

Hate, Violence, And Death on Main Street USA

**A Report on Hate Crimes and Violence Against People
Experiencing Homelessness 2007**



April 2008



**NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY**

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ABOUT THE NATIONAL COALITION FOR THE HOMELESS

The National Coalition for the Homeless, founded in 1982, is a national network of people who are currently experiencing or who have experienced homelessness, activists and advocates, community-based and faith-based service providers, and others committed to a single mission. That mission, our common bond, is to end homelessness. We are committed to creating the systemic and attitudinal changes necessary to prevent and end homelessness. At the same time, we work to meet the immediate needs of people who are currently experiencing homelessness or who are at risk of doing so. We take as our first principle of practice that people who are currently experiencing homelessness or have formerly experienced homelessness must be actively involved in all of our work.

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ABOUT THE NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

The National Law Center on Homelessness & Poverty (NLCHP) is the only national legal advocacy organization dedicated to ending and preventing homelessness. Our attorneys go into courtrooms and the halls of our legislatures to protect the needs of society's most vulnerable members. Through impact litigation, policy advocacy and public education we address the root causes of homelessness at the local, state and national levels.

Established by attorney Maria Foscarinis in 1989 and based in Washington, DC, NLCHP works with a wide variety of groups around the nation.

You are invited to join the network of attorneys, students, advocates, and activists who make up NLCHP's membership. By becoming a member you can help make a difference in the lives of millions of homeless Americans. For more information about membership, please visit our website at www.nlchp.org/join_us.cfm.

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The National Coalition for the Homeless

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Sean Cononie, Lois Cross, and Mark Targett are homeless activists with the Homeless Voice/COSAC Foundation, located in Hollywood, Florida. All three have dedicated tremendous time and energy to stop hate crimes/violence against homeless people. Cononie's organization is the most active local organization nationwide doing work on the hate crimes/violence issue. He is viewed as both a local and national expert/spokesperson on this issue. Targett is best known for video broadcast work of the news to advocates across the United States on vicious attacks to the homeless by using the latest technology in multimedia means. Cross does all the media/public relations on this issue for both Helping People in America and assists the National Coalition for the Homeless in getting the word out to the media.

Michelle Lee, NCH's Graphic/Web Designer, did the final editing and layout.

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Michael Stoops, acting executive director of NCH, provides ongoing staffing support for the Civil Rights Work Group/Grassroots Organizing Committee, a nationwide network of homeless advocates committed to documenting and stopping civil rights violations of homeless individuals plus documenting hate crimes/violence against homeless people. He is also the project director for NCH's National Homeless Civil Rights Organizing Project (NCHROP). He has served as the overall editor of this 2007 report and the eight previous hate crimes/violence reports published from 1999 through 2006.

Michael O'Neill, director of Faces of Homelessness Speakers' Bureau. He speaks on hate crimes and violence issues to thousands of young people across the country annually.

Corey Yarbrough, Bill Emerson National Hunger Fellow of the Congressional Hunger Center, did research, writing, and editing.

Ashley Davis, social work intern from Appalachian State University (NC), *Myrna Robinson*, sociology intern from Marymount University (VA), *Teana White*, an intern from Amherst College

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Photo on page 12: Erik Eisele protesting in South Portland, Maine outside a movie theater in 2006.

**Report on
Hate Crimes and Violence
Against People Experiencing Homelessness
in 2007**

**National Coalition for the Homeless
National Law Center on Homelessness & Poverty**

APRIL 2008

This report is dedicated to all of the victims who have been attacked because of their homeless status, those who have lost their lives in the struggle to survive in the face of inadequate living conditions, and the people who continue to speak out against the crimes that are committed against homeless individuals. As we continue to strive for a better America, we sincerely thank those who are trying to make a difference by giving a face and a voice to homelessness.

EXECUTIVE SUMMARY

Hate crime and violence against some of the most vulnerable members of our society, our homeless neighbors, continue to persist and have increased across the country over the past year. Since 1999, the National Coalition for the Homeless has been tracking the epidemic of violent and brutal attacks against homeless persons. In our first joint report on the topic, the National Coalition for the Homeless and the National Law Center on Homelessness & Poverty have documented how this growing trend has played out in 2007.

Homeless persons are particularly vulnerable to violent attacks when they are living outside in public spaces. Most of our communities do not have adequate affordable housing or shelter space to meet the need, leaving many homeless persons forced to live outside. In fact, according to the U.S. Department of Housing and Urban Development, 44% of our homeless population is unsheltered.¹ Without proper action to deal with the crisis of homelessness as a whole, our homeless neighbors will continue to be vulnerable to brutal attacks.

While some cities and states have taken positive steps to address hate crime and violence against homeless persons, many cities around the country continue to dehumanize homeless persons by enacting and enforcing laws that criminalize their homeless status. Many laws, such as those that restrict sleeping, sitting, storing property, and asking for money in public, send a message to society that homeless people are not human, do not deserve respect, and that attacks against them will not be taken seriously.

Samplings of the headlines in the case narrative section of this report say it all:

- Homeless Man Beaten To Death (January) – Haverhill, MA
- Homeless Man Murdered and Scattered Around the City (February) – San Diego, CA
- Homeless Man Stabbed with a Sword (March) – Oakland, CA
- Beating from 17-Year-Old and Two 10-Year-Olds Sent Homeless Man to Hospital (March) – Daytona Beach, FL
- Police Call the Murder of a Homeless Man a “Thrill Killing” (May) – Tulsa, OK
- Inspired By “Bumfights”: Four Teens Have Been Terrorizing Homeless People and Recording Video Footage on Their Cell Phones to Post as Videos on the Internet (July) – Los Angeles, CA
- Homeless Man’s Blanket Set on Fire while Sleeping (November) – Philadelphia, PA

With the probable exception of homicide and fire-setting figures, the figures for other victimizations likely do not represent the full extent of the problem. Many attacks against homeless persons go unreported and are thus likely many times higher than the actual numbers presented here.

¹ Office of Comty. Planning & Dev., U.S. Dep’t of Hous. & Urban Dev., *The Annual Homeless Assessment Report to Congress* 7 (Feb. 2007).

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Nonetheless, hundreds of homeless persons have been attacked and some killed over the past nine years.

Since 1999,

- 774 violent acts have been perpetrated against homeless individuals across the country in a variety of communities.
- These attacks occurred in 235 cities throughout our country, in 45 states and Puerto Rico.
- 217 homeless people have been killed, as a result of attacks ranging from being beaten to being set on fire and other atrocious acts.

The victims have endured humiliations both great and small and the injuries they sustained created not only physical pain and scars, but also the crippling effects of wounded self-esteem and dignity of the human spirit.

Attacks against homeless persons have increased in 2007. Throughout 2007,

- 160 homeless persons were violently attacked and
- 28 of those 160 persons were killed as a result of those attacks

The number of attacks in 2007 rose from the number of attacks in 2006:

- The total number of attacks rose by 13% from 2006 to 2007 – from 142 attacks to 160 attacks.
- The number of attacks resulting in death rose by 40% from 2006 to 2007 – from 20 deaths to 28 deaths.
- The number of non-lethal attacks rose by 8% from 2006 to 2007 – from 122 non-lethal attacks to 132 non-lethal attacks.

The perpetrators of these violent attacks against homeless people tend to be younger men or boys. The majority of crimes were committed by teens and youths as young as ten-years-old. Of the known attackers in 2007,

- 64% were youths between age 13 and 19;
- An overwhelming 86% of the accused and convicted were 25 and under;
- Some of the attackers repeatedly cited their motive of attack as boredom, committing the crimes for the “thrill” or “fun,” because the victim is homeless, or perhaps even more harrowing, because they simply “can.”

While we may not know or understand the motive for all of the attacks documented in the report, some of these attacks seem to be perpetrated due to bias against the victims because they were homeless. In addition, the perpetrators’ characteristics, motive, and weaponry are very similar to perpetrators who commit hate crime against all other hate crime victim groups. Regardless of whether the motive of the perpetrators was that of opportunity or of bias against homeless persons, homeless persons continue to remain particularly vulnerable victims due to the nature of homelessness.

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While these attacks happened all across the country and in many states, some states stand out in having a significant number of incidents.

- Florida leads all states with the greatest number of attacks – 31.
- California came in second with 22 attacks.
- Nevada came in third with 14 attacks.
- Ohio came in fourth with 13 attacks.

With this growing problem becoming more and more apparent in communities around the country, some states, cities, and advocacy groups are doing something positive to address the issue.

- California passed a law in 2004 mandating police officer training on hate crimes against homeless persons, particularly those with disabilities.
- Maine passed a law in 2005 that allows judges to take into consideration a victim's homeless status when considering sentencing for the offender.
- A statewide public education project in Florida to educate people about homelessness was initiated by the National Coalition for the Homeless in conjunction with AmeriCorps*VISTA volunteers.
- The Miami-Dade County Homeless Trust has created a curriculum/video about homelessness that is played in schools throughout the county to give young people a greater understanding of homelessness.

In addition, several legislative initiatives are currently underway to address this growing problem.

- Two bills have been introduced into the U.S. House of Representatives, H.R. 2216 and H.R. 2217, by Representative Eddie Bernice Johnson to add homeless persons to two existing federal hate crimes laws.
- Bills to add homeless persons as a protected class to state hate crime statutes are currently being considered in Massachusetts, Ohio, and Alaska.

Even though the trend of violence against homeless persons has risen over the past decade, there are steps that we can take to put an end to this terrible trend. Advocates, service providers, policymakers, and members of the public can take a stand by:

- Supporting H.R. 2216 and H.R. 2217, the two bills before the U.S. House of Representatives that would add homeless status to the Hate Crimes Statistics Act and the Violent Crime Control and Law Enforcement Act.
- Supporting state legislative efforts to add homeless persons as a protected class to state hate crime statutes.
- Initiating police trainings to help law enforcement officers better understand homelessness in general and how to prevent and manage hate crime against homeless persons.
- Engaging in public education initiatives in schools to educate young people about homelessness and to humanize homeless neighbors.

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- Advocating against city measures that criminalize homelessness and for more constructive approaches to homelessness.
- Advocating for more affordable housing and permanent supportive housing to bring an end to homelessness for those homeless members of our communities.

PURPOSE STATEMENT

The main objective of this report is to educate lawmakers, advocates, and the general public about the problem of hate crimes and violence against homeless people in order to instigate change and ensure protection of civil rights for everyone, regardless of their economic circumstances or housing status. As part of their missions, the National Coalition for the Homeless (NCH) and the National Law Center on Homelessness & Poverty (NLCHP) are committed to creating the systemic and attitudinal changes necessary to end homelessness. A major component of these changes must include the societal guarantee of safety and protection and a commitment by lawmakers to combat the hate crimes and violent acts against people who experience homelessness.

METHODOLOGY

The data on violent acts committed against homeless individuals in this report was gathered from a variety of sources. A number of narratives were derived from published news reports (nationally and locally). Information was also provided by advocates across the country dedicated to raising awareness about violence against homeless individuals. Lastly, this report relied on the voices of homeless individuals, and formerly homeless individuals, in self-reporting incidents they experienced first hand.

Upon receipt of each incident, a rigorous fact checking process was completed to evaluate and verify accuracy. This process entailed multiple follow-ups with those closely involved with the incident. Cross comparisons were also made with other news sources reporting the incident.

While we could not always identify the motive for each attack based on our sources of information, some of these attacks were perpetrated due to a bias against the victim because of his or her homeless status. Other attacks may have been perpetrated merely because the homeless person was in a vulnerable position to be attacked, due to the nature of homelessness. Only attacks committed by housed individuals towards homeless individuals were evaluated. Crimes committed by homeless individuals towards other homeless individuals were excluded from this report.

While NCH and NLCHP have made every effort to verify the facts regarding each incident used in our report, new information about cases sometimes becomes available after publication. NCH and NLCHP comprehensively researches and reviews all included data. As new, additional evidence emerges about the classification of prior, new or previously unknown cases, it is the policy of NCH and NLCHP to adjust our tabulations accordingly.

THE REPORTS

Over the past nine years (1999-2007), homeless advocates/direct service providers from around the country have seen an alarming, nationwide sustained increase in reports of homeless men, women and even children being killed, beaten, and harassed. In response to these concerns, the National Coalition for the Homeless has produced eight reports documenting these acts. The National Coalition for the Homeless has collaborated with the National Law Center on Homelessness & Poverty on this ninth report documenting hate crimes and violence against homeless individuals in 2007.

- 1999:** *No More Homeless Deaths! Hate Crimes: A Report Documenting Violence Against Men and Women Homeless in the U.S.*
- 2000:** *A Report of Hate Crimes and Violence Against People Who Are Homeless in the United States in 2000*
- 2001:** *Hate. A Compilation of Violent Crimes Committed Against Homeless People in the U.S. in 2001*
- 2002:** *Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 1999-2002*
- 2003:** *Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2003*
- 2004:** *Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness 2004*
- 2005:** *Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness in 2005*
- 2006:** *Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness 2006*
- 2007:** *Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness 2007*

This latest report continues to maintain the same goals and objectives as the previous ones:

1. To compile the incidents of hate crimes and violence that NCH and NLCHP have received and reviewed in order to document this alarming trend against people who experience homelessness.
2. To raise awareness among lawmakers and the general public about this serious issue.
3. To recommend proactive measures to be taken.

INTRODUCTION

In 2007, homeless individuals in America faced another year of brutality that ranged from assault to killings. Sadly, these gruesome accounts are just a few of many that demonstrate the hate/violence faced by people experiencing homelessness each year. The following report documents 160 violent acts that occurred in 2007, collected from newspapers and reports across the country.

Even as homeless people are being violently targeted, most of our communities do not have adequate affordable housing or shelter space to meet the need, leaving many homeless persons particularly vulnerable to these attacks. In fact, according to the U.S. Department of Housing and Urban Development, 44% of our homeless population is unsheltered.² Without proper action to deal with the crisis of homelessness as a whole, our homeless neighbors will continue to be vulnerable to brutal attacks.

While some cities and states have taken positive steps to address hate crime and violence against homeless persons, many cities around the country continue to dehumanize homeless persons by enacting and enforcing laws that criminalize their homeless status. Many laws, such as those that restrict sleeping, sitting, storing property, and asking for money in public, send a message to society that homeless people are not human, do not deserve respect, and that attacks against them will not be taken seriously.

The narratives of this report bring to light the discrimination and senseless violence faced daily by so many of our country's homeless citizens. Here are just a few illustrative cases:

February 8: Corpus Christi, Texas. Austin Bires, 15, and Cody Lavender, 17, used a stolen video camera to record themselves beating and robbing a homeless man. The woman whose camera was stolen found the tape still in the camera and turned it in to the police.

According to police, one teen narrates what they are about to do before they attack. Commander David Torres, quoted in a CNN report, said "After the narration, two of the kids take off running, full speed, and one of them just drop-kicks the homeless man with both feet on the guy's back."

Police say the teens came up behind the victim and kicked him and slammed his head onto the pavement. Torres describes, "They actually grab him and flip him around to film his injuries"... "And I'm telling you, the way they filmed it – the closeness – they put it together where you can tell it was planned out."

July 7: Leesburg, Florida. A group of six to eight teenage boys went into an abandoned home and used pieces of concrete, bricks, pipes, bats, and knives, to beat two homeless men nearly to death. Robert

² Office of Comty. Planning & Dev., U.S. Dep't of Hous. & Urban Dev., *The Annual Homeless Assessment Report to Congress* 7 (Feb. 2007).

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“Glenn” Williams, 53, and David Lambert, 42, were so badly injured from the beating they were airlifted to Orlando Regional Medical Center. Williams, covered in blood, crawled to the nearby road and got the attention of a police officer. Lambert had a collapsed lung as a result of a stabbing and needed over 100 staples to seal up the wounds to his head. Williams was so badly beaten on his face and head that he had difficulty talking for days following the attack.

October 5: New York City, New York. Felix Najero, a 49 year-old homeless man, was set on fire outside of Bethany Christian Church where he rested for the night. The fire burned seventy-five percent of Najero’s body, spreading across his face, chest, and stomach. Najero died four days later in New York-Presbyterian /Weill Cornell Medical Center. Police have arrested Israel Torres, a 29 year-old man from the Bronx, for the attack, charging him with attempted murder. Torres, a former prisoner, reportedly taunted Najero prior to the attack. Torres may be recharged with a more serious offence now that Najero is dead.

Even while these horrific attacks are being perpetrated against homeless people around the country, some cities and states have taken actions to address this growing trend. This report provides information about the various incidents around the country, positive steps being taken to address the issues, and recommendations for ways advocates, providers, policymakers, and members of the public can help put a stop to the growing violence against our homeless neighbors.

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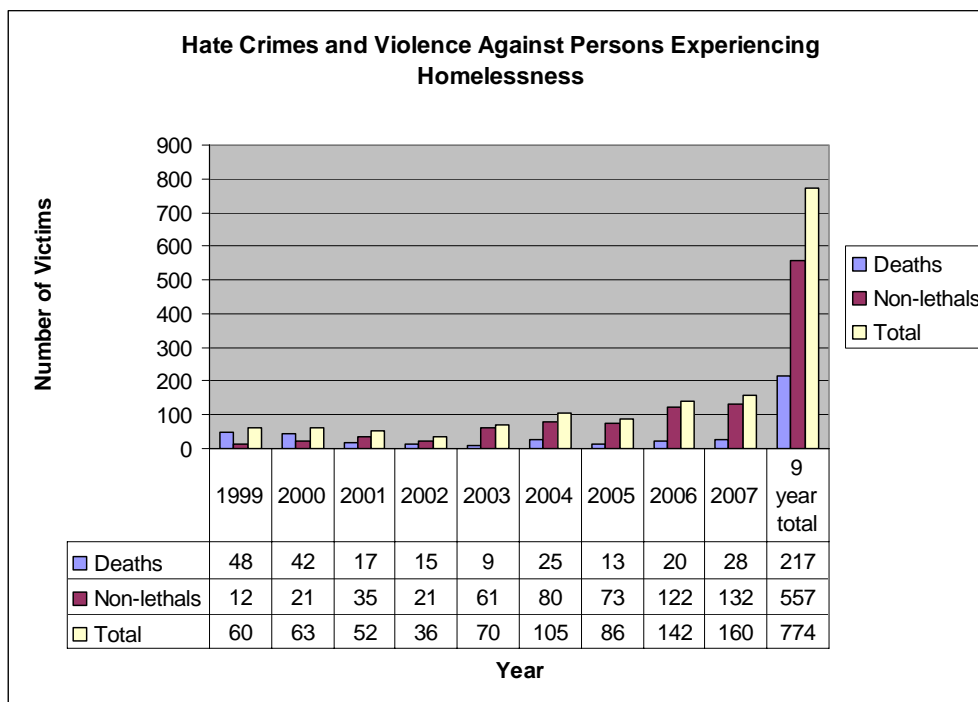


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HATE CRIMES/VIOLENCE DATA OVER A NINE YEAR PERIOD (1999-2007):

Over the past decade, advocates, homeless shelter workers, and the National Coalition for the Homeless (NCH) all began to recognize that reports of hate crimes and violent acts against people experiencing homelessness were increasing with frequency and brutality. As a result, in 1999, the NCH began publishing annual reports documenting hate crimes and violent attacks against people experiencing homelessness. These annual reports have not only served to document the number of deaths and non-lethal attacks, but have included the individual stories of the victims of these crimes. This annual study makes evident the great number of crimes as well as the large geographic area in which they occur.



Total number of violent acts of 9 years: 774

Total number of deaths over 9 years: 217

Total number of non-lethal attacks over 9 years: 557

Total Number of cities where crimes occurred over 9 years: 235

Total number of states where crimes occurred over 9 years: 45 plus Puerto Rico

Age range of the accused/convicted: 10 to 75 years of age

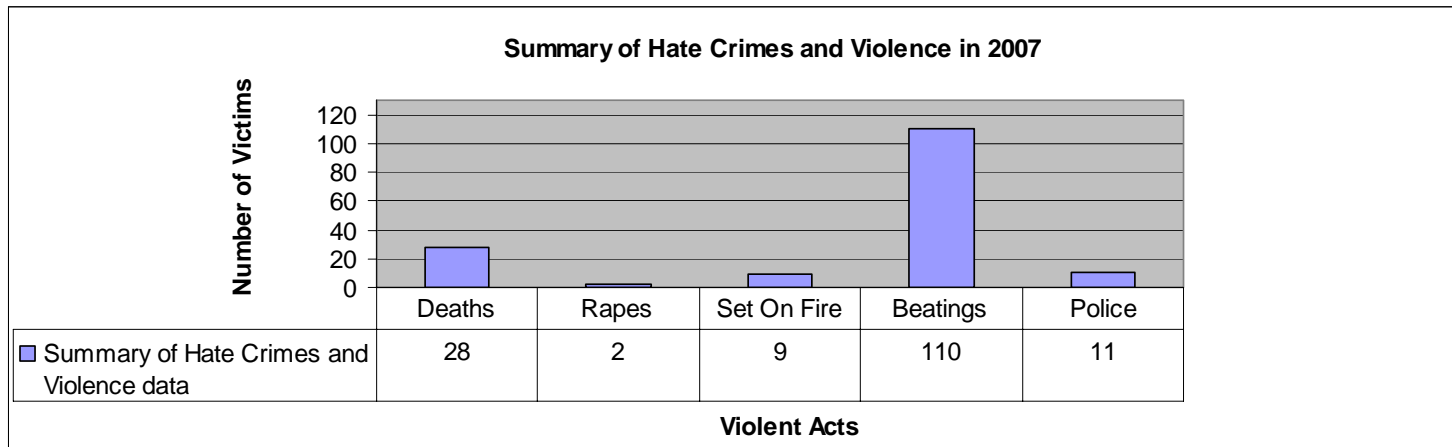
Age range of the victims: 4 months to 74 years of age

Gender of victims: Male: 463 **Female:** 66

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SUMMARY OF HATE CRIMES AND VIOLENCE DATA IN 2007:



Total Number of Violent Acts in 2007: 160

Total Number of Lethal Attacks: 28

Total Number of Non-Lethal Attacks: 132

Breakdown of Non-Lethal Attacks:

Total Number of Rapes/Sexual Assaults: 2

Total Number Setting on Fire: 9

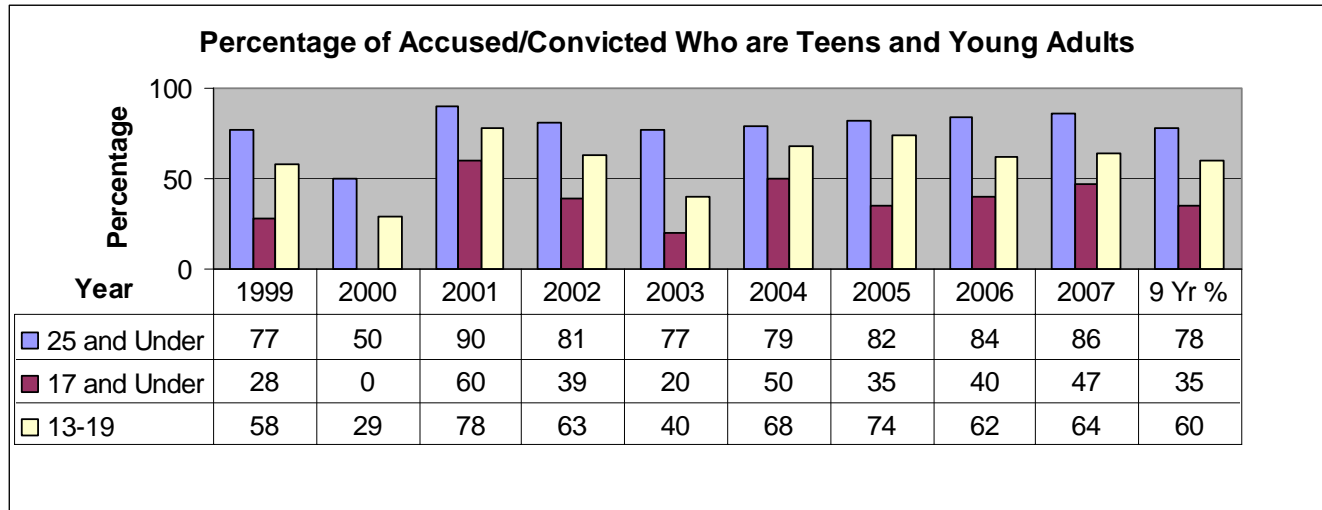
Total Number of Beatings: 110

Total Number of Incidents involving Police Harassment/Brutality: 11

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SUMMARY OF TEEN AND YOUNG ADULT INVOLVEMENT IN HATE CRIMES/VIOLENT ACTS OVER AN NINE YEAR PERIOD (1999-2007):



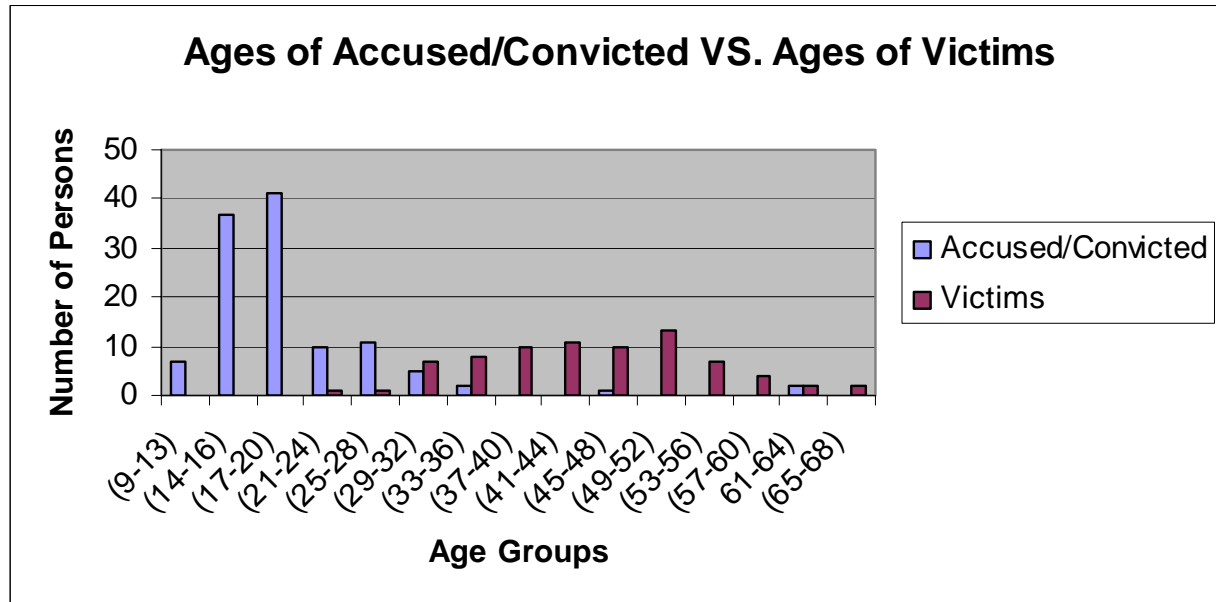
Age Ranges of the Accused/Convicted: 10(two), 11, 12, 13(three), 14(eight), 15(eighteen), 16(eleven), 17(eleven), 18(fifteen), 19(eight), 20(seven) 22(three), 23, 24(six), 25(five), 27(four), 28(two), 29(two), 30, 32 (two), 33, 36, 47, 61, 62.

Gender of Accused/Convicted: Male: 201 Female: 6

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SUMMARY OF AGES OF ACCUSED VS. AGES OF VICTIMS:



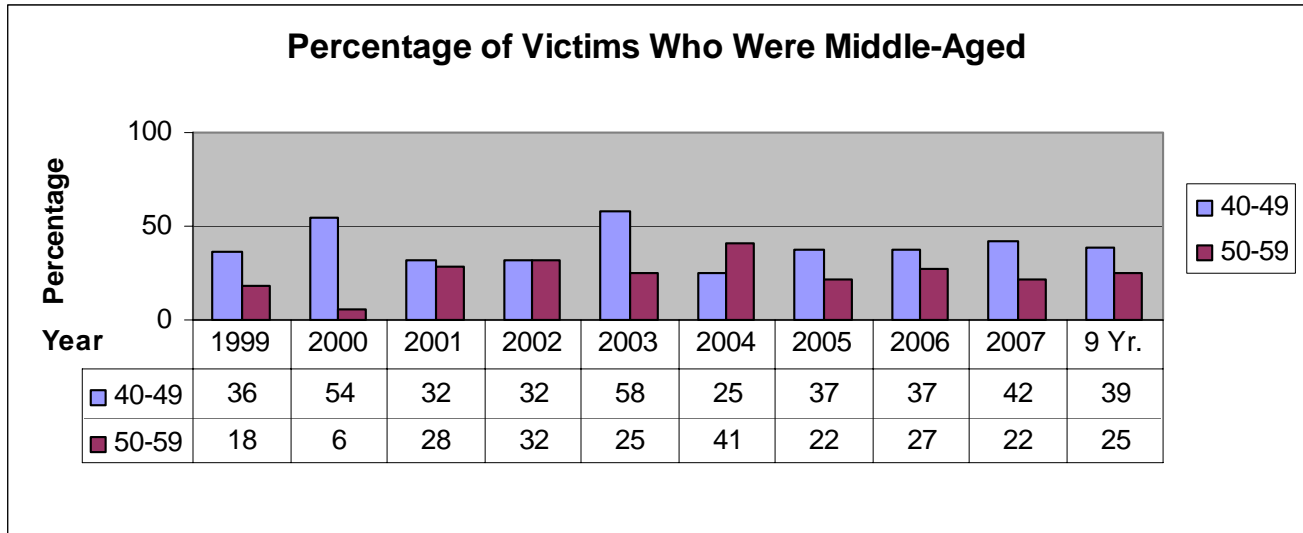
Age ranges of the victims in 2007: 22, 26, 29, 30 31, 32(four), 33, 34, 35(five), 36, 37, 38(two), 39(three), 40(four), 41, 42(three), 43(three), 44(four), 45(two), 46(two), 47(three), 48(three), 49(seven), 50(five), 51, 53(two), 54, 55(three), 56, 57, 58 (two), 59, 63(two), 68(two).

Gender of Victims: Male: 108 Female: 18

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SUMMARY OF VICTIMS WHO WERE MIDDLE-AGED:



Age ranges of the victims in 2007: 22, 26, 29, 30 31, 32(four), 33, 34, 35(five), 36, 37, 38(two), 39(three), 40(four), 41, 42(three), 43(three), 44(four), 45(two), 46(two), 47(three), 48(three), 49(seven), 50(five), 51, 53(two), 54, 55(three), 56, 57, 58 (two), 59, 63(two), 68(two).

Gender of Victims: Male: 108 Female: 18

CITIES WHERE HATE CRIMES/VIOLENCE OCCURRED IN 2007:

Total Cities:

74 cities

Abilene, Texas—1 incident resulting in 1 death
Akron, Ohio—1 incident resulting in 2 non-lethal acts
Albuquerque, New Mexico—2 separate incidents resulting in 4 non-lethal acts
Allentown, Pennsylvania—1 incident resulting in 1 non-lethal act
Austin, Texas—2 separate incidents resulting in 2 non-lethal acts
Baltimore, Maryland—1 incident resulting in 1 non-lethal act
Bayamón, Puerto Rico—1 incident resulting in 1 non-lethal act
Boston, Massachusetts—1 incident resulting in 2 non-lethal acts
Bradenton, Florida—1 incident resulting in 1 non-lethal act
Burlington, North Carolina—1 incident resulting in 1 non-lethal act
Camden, New Jersey—1 incident resulting in 1 death
Carolina, Puerto Rico—1 incident resulting in 1 non-lethal act
Chicago, Illinois—4 separate incidents resulting in 3 deaths and 1 non-lethal act
Cincinnati, Ohio—1 incident resulting in 1 death
Cleveland, Ohio—10 separate incidents resulting in 10 non-lethal acts
Colorado Springs, Colorado—3 separate incidents resulting in 3 non-lethal acts
Corona, California—1 incident resulting in 2 non-lethal acts
Corpus Christi, Texas—2 separate incidents resulting in 2 non-lethal acts
Dania Beach, Florida—1 incident resulting in 1 non-lethal act
Daytona Beach, Florida—1 incident resulting in 2 non-lethal acts
Delray Beach, Florida—1 incident resulting in 1 non-lethal act
Deltona, Florida—1 incident resulting in 1 non-lethal act
Elgin, Illinois—1 incident resulting in 1 non-lethal act
Ellenton, Florida—1 incident resulting in 1 non-lethal act
Fort Smith, Arkansas—4 separate incidents resulting in 4 non-lethal acts
Gastonia, North Carolina—1 incident resulting in 1 death
Gibsonton, Florida—1 incident resulting in 1 death
Granite City, Illinois—1 incident resulting in 1 death
Hamilton Township, New Jersey—1 incident resulting in 1 non-lethal act
Hayward, California—1 incident resulting in 1 death
Haverhill, Massachusetts—1 incident resulting in 1 death
Highland Park, Michigan—1 incident resulting in 1 non-lethal act
Houston, Texas—1 incident resulting in 3 non-lethal acts
Huntsville, Alabama—1 incident resulting in 2 non-lethal acts
Indianapolis, Indiana—2 incidents resulting in 6 non-lethal acts
Kalamazoo, Michigan—1 incident resulting in 1 non-lethal act
Laguna Beach, California—1 incident resulting in 1 non-lethal act
Lakeland, Florida—2 separate incidents resulting in 2 non-lethal acts
Lakeside, California—1 incident resulting in 1 non-lethal act

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Lawrence, Kansas—2 separate incidents resulting in 2 non-lethal acts
Leesburg, Florida—2 separate incidents resulting in 3 non-lethal acts
Los Angeles, California—9 separate incidents resulting in 9 non-lethal acts
Manchester, New Hampshire—2 separate incidents resulting in 2 non-lethal acts
Milwaukie, Oregon—1 incident resulting in 1 non-lethal act
Missoula, Montana—1 incident resulting in 1 death
Mount Kisco, New York—1 incident resulting in 1 death
Nashville, Tennessee—1 incident resulting in 1 non-lethal act
New York City, New York—1 incident resulting in 1 death
Oakland, California—1 incident resulting in 1 non-lethal act
Ocala, Florida—1 incident resulting in 1 death
Oklahoma City, Oklahoma—3 separate incidents resulting in 1 death and 2 non-lethal acts
Omaha, Nebraska—1 incident resulting in 2 non-lethal acts
Philadelphia, Pennsylvania—5 separate incidents resulting in 5 non-lethal acts
Phoenix, Arizona—1 incident resulting in 1 death
Ponce, Puerto Rico—1 incident resulting in 1 non-lethal act
Portland, Oregon—5 separate incidents resulting in 5 non-lethal acts
Ramona, California—1 incident resulting in 1 non-lethal act
Redding, California—1 incident resulting in 1 non-lethal act
Redlands, California—1 incident resulting in 1 non-lethal act
Reno, Nevada—12 separate incidents resulting in 1 death and 11 non-lethal acts
Richmond, California—1 incident resulting in 1 non-lethal act
Riverside, California—1 incident resulting in 1 death
San Diego, California—1 incident resulting in 1 death
San Francisco, California—1 incident resulting in 1 death
Sparks, Nevada—1 incident resulting in 2 non-lethal acts
Springfield, Massachusetts—1 incident resulting in 1 non-lethal act
Springfield, Missouri—1 incident resulting in 1 death
Statesville, North Carolina—1 incident resulting in 1 death
St. Petersburg, Florida—7 separate incidents resulting in 3 deaths and 4 non-lethal acts
Tampa, Florida—1 incident resulting in 1 non-lethal act
Tucson, Arizona—1 incident resulting 1 non-lethal act
Tulsa, Oklahoma—1 incident resulting in 1 death
West Palm Beach, Florida—9 separate incidents resulting in 1 death and 8 non-lethal acts
York City, Pennsylvania—1 incident resulting in 1 non-lethal act

HATE, VIOLENCE, AND DEATH ON MAIN STREET USA

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CITIES/COUNTIES WHERE HATE CRIMES/VIOLENCE OCCURRED IN 2007:



STATES WHERE HATE CRIMES/VIOLENCE OCCURRED IN 2007:

Total Number of States: 27 and Puerto Rico

Alabama—1 incident in 1 city (Huntsville) resulting in 2 non-lethal acts

Arizona—2 separate incidents in 2 cities (Phoenix and Tucson) resulting in 1 death and 3 non-lethal acts

Arkansas—4 separate incidents in 1 city (Fort Smith) resulting in 4 non-lethal acts

California—21 separate incidents in 13 cities (Corona, Hayward, Laguna Beach, Lakeside, Los Angeles, Oakland, Ramona, Redding, Redlands, Richmond, Riverside, San Diego, San Francisco) resulting in 4 deaths and 18 non-lethal acts

Colorado—3 separate incidents in 1 city (Colorado Springs) resulting in 3 non-lethal acts

Florida—29 separate incidents in 13 cities (Bradenton, Dania Beach, Daytona Beach, Deltona, Delray Beach, Ellenton, Gibsonton, Lakeland, Leesburg, Ocala, St. Petersburg, Tampa, West Palm Beach) resulting in 6 deaths and 25 non-lethal acts

Illinois—6 separate incidents in 3 cities (Chicago, Elgin, Granite City) resulting in 4 deaths and 2 non-lethal acts

Indiana—2 separate incidents in 1 city (Indianapolis) resulting in 6 non-lethal acts.

Kansas—2 separate incidents in 1 city (Lawrence) resulting in 2 non-lethal acts

Maryland—1 incident in 1 city (Baltimore) resulting in 1 non-lethal act

Massachusetts—3 separate incidents in 3 cities (Boston, Haverhill, Springfield) resulting in 1 death and 3 non-lethal acts

Michigan—2 separate incidents in 2 cities (Highland Park, Kalamazoo) resulting in 2 non-lethal acts

Missouri—1 incident in 1 city (Springfield) resulting in 1 death

Montana—1 incident in 1 city (Missoula) resulting in 1 death

Nebraska—1 incident in 1 city (Omaha) resulting in 2 non-lethal acts

Nevada—13 separate incidents in 2 cities (Reno, Sparks) resulting in 1 death and 13 non-lethal acts

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New Hampshire—2 separate incidents in 1 city (Manchester) resulting in 2 non-lethal acts

New Jersey—2 separate incidents in 2 cities (Camden, Hamilton Township) resulting in 1 death and 1 non-lethal act

New Mexico—2 separate incidents in 1 city (Albuquerque) resulting in 4 non-lethal acts

New York—2 separate incidents in 2 cities (Mount Kisco, New York City) resulting in 2 deaths

North Carolina—3 separate incidents in 3 cities (Burlington, Gastonia, Statesville) resulting in 2 deaths and 1 non-lethal act

Ohio—12 separate incidents in 3 cities (Akron, Cincinnati, Cleveland) resulting in 1 death and 12 non-lethal acts

Oklahoma—4 separate incidents in 2 cities (Oklahoma City, Tulsa) resulting in 2 deaths and 2 non-lethal acts

Oregon—6 separate incidents in 2 cities (Milwaukie, Portland) resulting in 6 non-lethal acts

Pennsylvania—7 separate incidents in 3 cities (Allentown, Philadelphia, York City) resulting in 7 non-lethal acts

Puerto Rico—3 separate incidents in 3 cities (Bayamón, Carolina, Ponce) resulting in 3 non-lethal acts

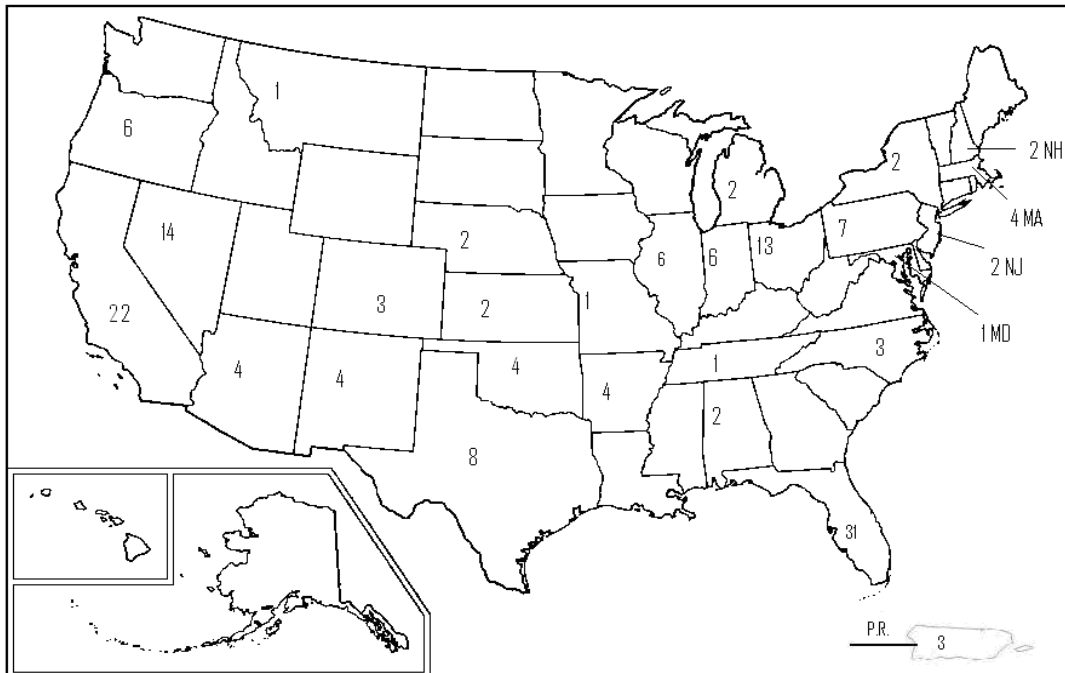
Tennessee—1 incident in 1 city (Nashville) resulting in 1 non-lethal act

Texas—6 separate incidents in 4 cities (Abilene, Austin, Corpus Christi, Houston) resulting in 1 death and 7 non-lethal acts

HATE, VIOLENCE, AND DEATH ON MAIN STREET USA

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TOTAL NUMBER OF DEATHS AND NON-LETHAL ACTS IN 2007:



State	# of Acts	Population of State ³	State	# of Acts	Population of State
Alabama	2	4,599,030	Nebraska	2	1,768,331
Arizona	4	6,166,318	Nevada	14	2,495,529
Arkansas	4	2,810,872	New Hampshire	2	1,314,895
California	22	36,457,549	New Jersey	2	8,724,560
Colorado	3	4,753,377	New Mexico	4	1,954,599
Florida	31	18,089,888	New York	2	19,306,183
Illinois	6	12,831,970	North Carolina	3	8,856,505
Indiana	6	6,313,520	Ohio	13	11,478,006
Kansas	2	2,764,075	Oklahoma	4	3,579,212
Maryland	1	5,615,727	Oregon	6	3,700,758
Massachusetts	4	6,437,193	Pennsylvania	7	12,440,621
Michigan	2	10,095,643	Puerto Rico	3	3,927,776
Missouri	1	5,842,713	Tennessee	1	6,038,803
Montana	1	944,632	Texas	8	23,507,783

³ US Census 2006 Population Estimates, available at http://factfinder.census.gov/servlet/GCTTable?_ds_name=PEP_2006_EST&-mt_name=PEP_2006_EST_GCTT1_US9&-format=US-9&-tree_id=806&-geo_id=&-CONTEXT=gct.

LIST OF CITIES WHERE HATE CRIMES/VIOLENCE OCCURRED 1999-2007

Total Cities:

235 cities

Abilene (TX)	Charlotte Co. (FL)	Fayetteville (NC)
Akron (OH)	Cheyenne (WY)	Filley (NE)
Albany (NY)	Chicago (IL)	Fort Lauderdale (FL)
Albuquerque (NM)	Cincinnati (OH)	Fort Myers (FL)
Allentown (PA)	Clay (WV)	Fort Smith (AR)
Anchorage (AK)	Cleveland (OH)	Fort Worth (TX)
Ann Arbor (MI)	Clinton Township (MI)	Fredericksburg (VA)
Apopka (FL)	Colorado Springs (CO)	Gainesville (FL)
Arlington (VA)	Colton (CA)	Galveston (TX)
Aspen (CO)	Columbia (SC)	Gastonia (NC)
Atlanta (GA)	Corona (CA)	Gettysburg (PA)
Augusta (GA)	Corpus Christi (TX)	Gibson (FL)
Aurora (IL)	Cortez (CO)	Gold Beach (OR)
Austin (TX)	Corvallis (OR)	Granite City (IL)
Baltimore (MD)	Covington (KY)	Greenville (NC)
Bangor (ME)	Dade County (FL)	Hamilton (OH)
Battle Creek (MI)	Dale City (VA)	Hamilton Township (NJ)
Bay Point (CA)	Dallas (TX)	Hartford (CT)
Bayamon, (PR)	Dania Beach (FL)	Haverhill (MA)
Bedford (NH)	Davenport (IA)	Hayward (CA)
Bend (OR)	Daytona Beach (FL)	Highland Park (MI)
Berkeley (CA)	Deland (FL)	Hilo (HI)
Bernalillo (NM)	Delray Beach (FL)	Holiday (FL)
Bloomington (IL)	Deltona (FL)	Holly Hill (FL)
Boston (MA)	Denver (CO)	Hollywood (FL)
Bradenton (FL)	Detroit (MI)	Honolulu (HI)
Bremerton (WA)	Duluth (MN)	Houston (TX)
Broward County (FL)	East Palatka (FL)	Huntington (WV)
Buena Park (CA)	El Cerrito (CA)	Huntsville (AL)
Buffalo (NY)	El Paso (TX)	Hyattsville (MD)
Bunnell (FL)	El Sobrante (CA)	Indianapolis (IN)
Burlington, NC	Elgin (IL)	Indio (CA)
Burton (MI)	Ellenton (FL)	Inglewood (CA)
Cambridge (MA)	Eureka (CA)	Jeffersonville (IN)
Camden (NJ)	Ewing (NJ)	Kalamazoo (MI)
Carolina (PR)	Fairbanks (AK)	Kansas City (KS)
Cave Junction (OR)	Fairfield (CA)	Kansas City (MO)
Champaign (IL)	Fairfax (VA)	Keizer (OR)

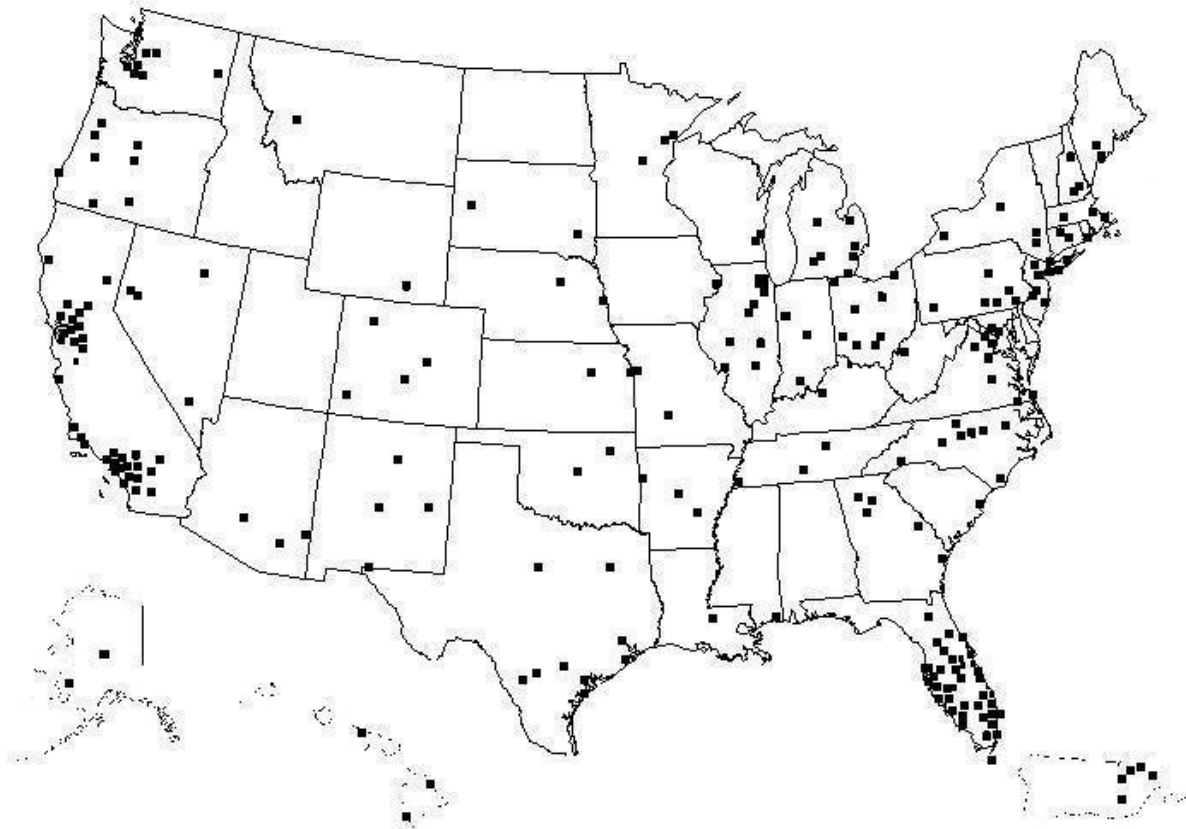
LIST OF CITIES WHERE HATE CRIMES/VIOLENCE OCCURRED 1999-2007 (cont...)

Kent (WA)	Ocala (FL)	Santa Cruz (CA)
Key West (FL)	Oceanside (CA)	Santa Fe (NM)
Kissimmee (FL)	Oklahoma City (OK)	Santurce (PR)
Lafayette (IN)	Omaha (NE)	Sarasota (FL)
Laguna Beach (CA)	Orlando (FL)	Savannah (GA)
Lakeland (FL)	Oxnard (CA)	Seattle (WA)
Lakeside (CA)	Painesville (OH)	Sioux Falls, (SD)
Lancaster (PA)	Pascagoula (MS)	Sparks (NV)
Las Vegas (NV)	Passaic (NJ)	Spokane (WA)
Lauderhill (FL)	Paterson (NJ)	Springfield (IL)
Lawrence (KS)	Peoria (IL)	Springfield (MA)
Lawrenceburg (TN)	Philadelphia (PA)	Springfield (MO)
Leesburg (FL)	Phoenix (AZ)	Springfield (OH)
Little Rock (AR)	Pima Co. (AZ)	St. Paul (MN)
Livingston (LA)	Pittsburgh (PA)	St. Petersburg (FL)
Loiza (PR)	Ponce (PR)	Staten Island (NY)
Lompoc (CA)	Port Charlotte (FL)	Statesville (NC)
Los Angeles (CA)	Portland (ME)	Stockbridge (GA)
Louisville (KY)	Portland (OR)	Suffolk (VA)
Manatee Co. (FL)	Providence (RI)	Suffolk County (NY)
Manchester (NH)	Raleigh (NC)	Sun Valley (CA)
Maple Valley (WA)	Ramona (CA)	Superior (WI)
Medford (OR)	Rapid City (SD)	Syracuse (NY)
Melbourne (FL)	Redding (CA)	Tacoma (WA)
Memphis (TN)	Redlands (CA)	Takoma Park (MD)
Merritt Island (FL)	Reno (NV)	Tampa (FL)
Miami (FL)	Richmond (CA)	Toledo (OH)
Milwaukee (WI)	Richmond (VA)	Toms River (NJ)
Milwaukie (OR)	Rio Piedras (PR)	Tucson (AZ)
Minneapolis (MN)	Riverside (CA)	Tulsa (OK)
Missoula (MT)	Riviera Beach (FL)	Vancouver (WA)
Modesto (CA)	Roosevelt (NY)	Ventura (CA)
Monticello (AR)	Ruskin (FL)	Virginia Beach (VA)
Mount Kisco (NY)	Sacramento (CA)	Waipahu (HI)
Myrtle Beach (SC)	San Antonio (TX)	Waverly (OH)
Nashville (TN)	San Diego (CA)	Westminster (CA)
Nashua (NH)	San Francisco (CA)	West Palm Beach (FL)
New Britain (CT)	San Jose (CA)	Weymouth (MA)
New York, (NY)	San Juan (PR)	York City (PA)
Norristown (PA)	San Luis Obispo (CA)	
Oakland (CA)	Santa Ana (CA)	

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MAP OF CITIES WHERE HATE CRIMES/VIOLENCE OCCURRED 1999-2007



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COMPARISON OF HATE CRIME HOMICIDES vs. FATAL ATTACKS ON HOMELESS INDIVIDUALS 1999-2007

COMPARISON OF HATE CRIMES HOMICIDES vs. FATAL ATTACKS ON HOMELESS INDIVIDUALS 1999-2007

YEAR	Homicides Classified as Hate Crimes (FBI Data)	Fatal Attacks on Homeless Individuals (NCH Data)
1999	17 (9 racially, 2 religiously, 3 sexual orientation, 3 ethnically motivated)	48
2000	19 (10 racially, 1 religiously, 2 sexual orientation, 6 ethnically motivated)	42
2001	11 (4 racially, 1 religiously, 4 sexual orientation, 2 ethnically oriented)	17
2002	10 (4 racially, 1 sexual orientation, 5 ethnically motivated)	14*
2003	14 (5 racially, 6 sexual orientation, 2 ethnically, 1 anti-disability motivated)	8*
2004	5 (3 racially, 1 religiously, 1 sexual orientation motivated)	25
2005	6 (3 racially, 3 ethnically motivated)	13
2006	3 (3 racial- 2 anti-white, 1 anti-black)	20
2007	(FBI Data Unavailable at this time)	28
8 Year Total	85+	215

*Note: Upon receipt of further information, these numbers have been decreased by one.

Chart compiled by using data from the Center for the Study of Hate & Extremism (California State University, San Bernardino): Analysis of Data from the F.B.I. and the National Coalition for the Homeless.

NATIONAL MEDIA COVERAGE:

New York Times' Article Recognizes Role of Juveniles in Growing Homeless Attacks

On February 15, 2008, New York Times published an article entitled “Attacks on the Homeless Rise, With Youths Mostly to Blame” by Amy Green. The article sought to turn the nation’s attention to a growing tragedy: youth attacks against homeless individuals.

Singling out one incident to tell a powerful story, the article introduces the world to Warren Messner, an 18-year-old serving 22 years in a Florida correctional institution. Just three years earlier, he and some friends, under the influence of drugs, fatally beat Michael Roberts, a homeless man living on the streets of Daytona Beach.

Holding serious remorse, Messner used his interview with the New York Times to express how senseless and inhumane his attack was. To this day, he still has no rationale or justification for his actions.

Messner’s crime is not an isolated offense. The article shared statistics, provided by the National Coalition for the Homeless, stating 142 unprovoked attacks against homeless individuals occurred in 2006. Many of those attacks occurred in the same state as Messner’s incident, and the majority of those convicted for perpetrating such attacks are not even over the age of 21.

As a response, local and national advocates are mobilizing to correct brutality against homeless persons. Miami-Dade County Public Schools have adopted a homeless awareness curriculum and the National Coalition for the Homeless is establishing Faces of Homelessness Speaker Bureaus’ in 12 Florida cities as a way to educate and prevent future attacks.

ABC'S "PRIMETIME" RAISES AWARENESS ON "BUM-BASHING" THROUGH STREET EXPERIMENT

Your commute from work is going just as it would any other day when you notice a group of teenagers, with bats, bottles, and chains, hovering around a homeless individual. As you walk closer, you notice the gathering of adolescents verbally abusing and striking the vulnerable adult. What would you do?

That question has become the basis of a new ABC show that captures public reactions to ethical dilemmas. In their March 4, 2008 episode, hired actors simulated physical and verbal abuse towards a homeless individual on the streets of New Jersey. Hidden cameras captured the responses of local residents.

In the first experiment, teenagers convincingly staged an attack on a homeless man.

Within moments of beginning the experiment, ABC cameras captured a variety of reactions. Some pedestrians stared in shock. Some walked off to enlist help. Others quickly mobilized and challenged the dehumanization of a member of their society.

"What are you doing? Put that bat down. That's a human being." A middle-aged woman shouted at the teens participating in the experiment. Another elderly man reached for the bat and scolded the young boys for their lack of respect.

In another convincing simulation, the homeless man was replaced by a homeless woman. The change in the victim's gender yielded faster responses from community members. Spectators were quicker to risk their personal safety and resort to physical intervention. In comparison to the male victim, additional community members followed-up with the homeless woman with concerns of well-being.

After being informed of the experiment, many of those that were pro-active in stopping the abuse communicated a sense of communal justice and basic human rights as their rationale for action. To watch post-experimental interviews and behind the scenes footage, visit <http://abcnews.go.com/Primetime/WhatWouldYouDo>.

Despite the broadcast of this communal justice in action, many homeless individuals continue to fall victim to unprovoked and violent attacks from other members of society, particularly male teenagers. According to Mary Brosnahan, the executive director of New York's Coalition for the Homeless, many individuals have gone beyond viewing people without homes as homeless to viewing them as subhuman. The result has been a promotion of sports and activities that incite violence against a demographic that lacks a shelter for protection.

The latest statistics from this report confirm this culture of violence. In 2006, 142 assaults against the homeless were reported. Of those, twenty were fatal. In 2007, those numbers increased significantly to 160 assaults with 28 fatalities.

VIDEO EXPLOITATION OF HOMELESS PEOPLE

The fascination with “bum bashing” continues to grow. On YouTube alone, there are 31,500 videos with the title “Bum” and 1,150 videos with the title “Bumfights.” In contrast, the “N” word has 1,710 videos and the “F” word, associated with gay people, has 18,200 videos. It is astonishing that out of these derogatory words, “bum” has the most videos associated with it. This reveals something alarming about our society: the word “bum” has become desensitized in the minds of individuals.

Beginning in 2001, four videos were produced and placed on a website promoting “bum fighting.” Today, over 6.8 million copies of the Bumfights DVDs and videos have been sold. As a result, teenagers began mocking the videos by recording themselves beating up homeless individuals just for the thrill of it. In early 2008, the “bum fighting” website was shut down due to a civil lawsuit filed by the homeless individuals that were involved. The settlement also forced the company to provide financial compensation to its victims.

These videos represent a new form of dehumanization and exploitation against homeless individuals. NCH and NLCHP strongly discourage the use and purchase of these videos since the homeless people involved are manipulated into performing these outrageous acts.

A majority of the time, participating homeless individuals are under the influence of drugs and/or alcohol. Some are even lured into participating with money.

Sadly, with the release of these videos, violent attacks against homeless individuals have soared across the nation and others have become inspired to model the videos. In early 2007, a video of two homeless men fighting while a crowd cheers surfaced in Daytona Beach, Florida. Advocates fear the promotion of the video will spur the production of similar videos.

Although major retailers have stopped selling bum fighting products, some smaller companies continue to do so. Additionally, they remain top-searched on video sharing websites. We must act now to reverse this trend.

RECONIZING ANTI-HOMELESS VIOLENCE AS A HATE CRIME

By Professor Brian Levin

Center for the Study of Hate & Extremism, California State University, San Bernardino

After advocacy groups, such as NCH, and researchers consistently documented severe levels of violence against the homeless over the last several years an important issue has emerged in legal policy circles about exactly what to do about the problem. In over a half dozen states, including California, Florida, Maryland, and Texas legislation has been introduced to add homelessness to existing state hate crime laws. In addition, many of the nation's most notable hate crime researchers have concluded that much anti-homeless violence should be categorized as a hate crime.

Hate crimes are discriminatory crimes where a substantial part of the motive is the actual or perceived status characteristic of another. Discrimination refers to the unequal treatment of people based on their membership in a group. The term "hate crime" itself is somewhat of a misnomer, because in the United States, abstract non-threatening expressions of bigotry are not criminally punishable. In the over 45 states that have hate crime laws, intentionally selecting a crime victim due to a socially recognizable status characteristic is either a distinct criminal offense itself or a factor that increases one's sentence upon conviction for an underlying offense like assault.

The roots of modern hate crime statutes go back to the post Civil War period where laws were enacted to protect the exercise of various rights from racially based violence and intimidation. Over time some laws revolved around deterring interference with the exercise of particular basic rights, such as using public thoroughfares, housing, and voting without reference to the group characteristic of a potential victim. In other instances, laws focused less on the right a victim was exercising, but instead on his or her status characteristic.

In nearly every state with a hate crime law the protected status characteristic, such as race or religion, is specifically listed in the statute. Either way the result is the potential for greater punishment for victimizations that are based on those particular characteristics listed in the state's hate crime law. One rationale for these distinct hate crime laws is that various characteristics relating to one's actual or perceived identity place certain groups of people at a heightened risk of criminal victimization above and beyond that of the general population. Another rationale is that both victim subgroups and democratic societies as a whole suffer when socially identifiable status groups are singled out for prejudiced based violence.

These characteristics relate to how an attacker identifies a class of victim, and not whether a characteristic is technically "changeable" or mutable. Some have mistakenly contended that mutability is critical to inclusion in hate crime statutes. This likely comes from the fact that both the origins of modern civil rights protections, and today's largest victim groups involve race. However, as civil rights and hate crime protections evolved it has become clear that people are targeted for discrimination and violence based on various mutable characteristics as well. Hate crime categories like religion, nationality, or disability are potentially mutable. The fact that one's religion can be altered does not make it less worthy of protection-and for

that reason it is covered in virtually every state statute. Furthermore, the fact that a particular status characteristic, like disability, is one that many would not choose has not precluded its inclusion in many state statutes either.

Thus, two key elements for inclusion of a characteristic in hate crime laws are an increased risk of victimization and discriminatory victim selection. With most other types of non-hate crime financial gain or personal motive form the basis of victimization—thus allowing for a better opportunity at prevention, or at the very least, compliance to prevent escalation. However, when one is attacked because of an identity characteristic the risk of attack is enhanced because victims are not only attacked for what they do, but because of who they are.

Homeless people face notable other difficulties as crime victims. The lack of shelter and the effects of the elements make them more vulnerable to attack and defending themselves harder. In addition the homeless lack the legal protections available to people of means. Criminal statutes punish more severely those who illegally invade homes or who steal expensive items.

From a purely criminological perspective physical, bias-motivated attacks against the homeless in this country are indistinguishable from other hate crime—with one major exception. The homeless face a rate of victimization that far exceeds that of traditionally covered groups. The more reliable statistics arising from homicide data and victimization studies indicate that the homeless are among the nation's most criminally vulnerable population. More than double the number of homeless people have been killed by assailants with no personal or economic motive since 1999, than all existing hate crime category victims combined.

Offender characteristics, motive, deterrence, injury levels, and weaponry are basically analogous to those found with all other hate crime victim groups. Assailants are often juveniles or young adults armed with imprecise weapons of opportunity like bricks, bottles or bats. Most rely on biased, soft-core prejudiced stereotypes that are triggered into action by a desire for thrill seeking, turf protection, peer validation, or notions of group superiority. Also telling is the fact that among the most hard core hatemongers, like neo-Nazi skinheads, prejudice and violence against the homeless is a notable part of their subculture as well.

The homeless are among the most victimized groups in the nation, but often fail to report crimes. The criminal laws have traditionally punished those who violate the homes and property of others. However, because the homeless own little and are without housing, their aggressors often face less severe sanctions if they are caught. While many crimes against the homeless involve motives other than prejudice many in fact do. It is time for the law to recognize that bias based attacks upon the homeless are every bit as much hate crimes as those motivated by other prejudice. To do otherwise not only neglects a serious crime problem, but denies the rightful communal condemnation of this prevalent, but often invisible form of violent prejudice.

LEGISLATION

I. Current Federal Law Addressing Hate Crimes

Federal hate crime laws do not currently include homeless individuals as a protected class. However, these laws form the backdrop for proposed expansions in federal hate crime law and serve as a template for reform proposals in the states. Three federal statutes are relevant.

The 1968 Civil Rights Act, 18 U.S.C. § 245, establishes a number of criminal penalties for the use of force or intimidation to prevent the free exercise of civil rights on the basis of race, color, religion or national origin. The Act provides penalties for whoever, “by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with” another (1) “because of” that person’s “race, color, religion or national origin,” and (2) “because [that person] is or has been” attending a public school, serving as a juror in state court, traveling in a facility of interstate commerce, making use of a public accommodation, seeking or taking employment, or making use of the benefits of any state program. *Id.* § 245(b) (2). The Act also establishes penalties for whoever, “by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with” another person for (1) “participating” in federal programs or civil duties “without discrimination on account of race, color, religion or national origin,” or (2) “affording another person or class of persons opportunity or protection to so participate.” *Id.* §245(4) (A), (B).

State and local law enforcement agencies are expressly authorized to enforce the Act. Federal prosecutions are also permitted, although these require “the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice....” 18 U.S.C. §245(1).

The 1990 Hate Crime Statistics Act⁴, codified as a note to 28 U.S.C. § 534, requires the Attorney General to collect data on certain “crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.” The Act also directed the Attorney General to establish guidelines for the collection of such data. The Attorney General delegated this task to

³ Pub. L. No. 101-275, Apr. 23, 1990, 104 Stat. 140, as amended Pub. L. No. 103-322, § 320926, Sept. 13, 1994, 108 Stat. 2131 (inserting “disability”); Pub. L. No. 104-155, § 7, July 3, 1996, 110 Stat. 1394 (reauthorizing the Act). The Act directs the Attorney General to use authority granted under 28 U.S.C. § 534 to acquire hate crime data.

the F.B.I., which has defined a hate crime as a “bias crime”—that is, a crime “committed against a person or property which is *motivated, in whole or in part, by the offender’s bias* against a race, religion, disability, sexual orientation, or ethnicity/national origin.”⁵ Under these guidelines, crimes based on bias should be reported to the FBI by local law enforcement agencies if there is *objective* evidence that the crime was motivated wholly or partially by bias.⁶ The guidelines themselves provide a non-exhaustive list of twelve factors that might be considered “objective evidence” that the offender was motivated by bias.⁷

The Violent Crime Control and Law Enforcement Act of 1994⁸, codified as a note to 28 U.S.C. § 994, directed the United States Sentencing Commission to “promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes.” Under guidelines issued under this statute, a “hate crime” is defined as a “crime in which the defendant *intentionally selects* a victim, or in the case of a property crime, the property that is the object of the crime because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person.”⁹ (Emphasis added).

This is far narrower definition than applies in the context of the data collection statute. In order for the enhancement to apply, the court or, in a jury trial, the jury, must find beyond a reasonable doubt that the defendant intentionally selected his or her victim because of the race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of the victim or another person. If the defendant pleads guilty or no

⁵ U.S. Dep’t of Justice, Fed. Bureau of Investigation, Hate Crime Data Collection Guidelines 2 (1999) [hereinafter Hate Crime Data Collection Guidelines]. Notably, the Act itself refers only to “ethnicity,” however the Department of Justice has interpreted ethnicity to include both ethnicity and national origin. *Id.*

⁶ Hate Crime Data Collection Guidelines, *supra* note 2, at 4.

⁷ *Id.* at 4-5. These factors are: (1) the offender and victim are of a different race, religion, disability, sexual orientation, and/or ethnicity/national origin; (2) oral comments, written statements, or gestures indicating bias were made by the offender; (3) drawings, markings, symbols or graffiti indicating bias were left at the crime scene; (4) objects, items, or things indicating bias were used in the commission of the offense; (5) the victim belongs to a racial, religious, disability, sexual orientation, or ethnic/national origin group that is “overwhelmingly outnumbered by other residents in the neighborhood where the victim lives and the incident took place”; (6) the victim was visiting a neighborhood where hate crimes against other members of the victim’s racial, religious, disability, sexual orientation, or ethnic/national origin group occurred and tensions remained high; (7) other similar incidents occurred in the same locality against victims who shared the victim’s group affiliation; (8) “a substantial portion” of the community in which the crime occurred believe the incident was motivated by bias; (9) the victim was engaged in activities promoting his or her group through participation in an advocacy organization or by attending demonstrations; (10) the incident coincided with a holiday or day of importance to the victim’s group; (11) the offender had prior involvement in a similar hate crime or is a member of a hate group; and (12) there are indications of hate-group involvement. *Id.* at 5.

⁸ Pub. L. No. 103-322, § 280003, Sept. 13, 1994, 108 Stat. 2096.

⁹ United States Sentencing Guidelines Manual § 3A1.1(a) (2006). Note, however, that the Sentencing Guidelines only apply in federal court, where the defendant has committed a federal crime, a crime on federal land (including on Indian reservations), or is otherwise subject to penalties under federal law.

contest, the Sentencing Guidelines recommend that the sentencing court finds such facts beyond a reasonable doubt before applying the enhancement. *Id.*

As the Supreme Court has recently made clear, the Guidelines are only advisory and federal sentencing judges are required to take into account other factors when sentencing defendants.¹⁰ The impact of the sentencing enhancement law going forward may therefore be reduced.

II. Proposed Hate Crime Legislation in the 110th Congress

In 2007, at least eight proposals were introduced to expand federal hate crime law. Two focus exclusively on making “homeless status” a protected category under federal law, while the others would extend hate crime protections to other groups or enhance protections already present in federal hate crime law.

A. Hate Crime Legislation Directed Towards Crimes Against Homeless Persons

Two bills were introduced that would add “homeless status” to the list of protected classes under existing federal hate crime laws. H.R. 2216, the Hate Crimes Against the Homeless Statistics Act of 2007, would amend the Hate Crime Statistics Act to require the collection of data on crimes that manifest evidence of prejudice on the basis of “homeless status”. H.R. 2217, the Hate Crimes Against the Homeless Enforcement Act, would amend the hate crime sentencing enhancement provisions of the Violent Crime Control and Law Enforcement Act to include as eligible for sentence enhancement “a crime in which the defendant intentionally selects the victim . . . because of the actual or perceived . . . homeless status of any person.”¹¹ Both bills were introduced by Representative Eddie Bernice Johnson of Texas

¹⁰ See *United States v. Booker*, 543 U.S. 220, 245-46 (2005) (declaring unconstitutional the statute creating mandatory Guidelines and holding Guidelines should only be applied in an advisory fashion as one of several factors to consider at sentencing); see also *Gall v. United States*, __ S. Ct. __, 2007 WL 4292116, at *7 (Dec. 10, 2007) (holding the Guidelines’ sentencing range is a starting point for determining a defendant’s sentence, but the district court should not presume the range is reasonable). The factors the sentencing court must consider are enumerated in 18 U.S.C. § 3553(a)(1)-(7).

¹¹ Both H.R. 2216 and H.R.2217 define “homeless status” with respect to an individual as a person who lacks a fixed, regular, and adequate nighttime residence; or has a primary nighttime residence that is –

(1) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;

(2) a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including motels, hotels, congregate shelters, and transitional housing; or

(3) housing of other persons in which the individual is temporarily staying due to loss of housing, economic hardship, or a similar reason.

The bills were referred to the House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security in June, and no further action has been taken.

B. Hate Crime Legislation Directed Towards Crimes Against Other Persons

As in recent Congresses, the bill that has made the most progress toward enactment is the Local Law Enforcement Hate Crimes Prevention Act, known in the Senate as the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act. This Act would, among other things, add a new section to the federal code entitled “Hate Crime Acts,” which would create penalties for certain kinds of completed or attempted willful injury against a person because of the person’s actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.¹²

Like the 1968 Civil Rights Act, this legislation would permit federal enforcement, but only if a “certifying” federal official indicates there is “reasonable cause to believe the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability” was a motivating factor underlying the defendant’s alleged conduct; even then, federal prosecution is permitted only after the certifying federal official consults with state or local law enforcement and determines that the state has asked the federal government to assume jurisdiction, has requested the federal government assume jurisdiction, or that a prior state prosecution has left “demonstrably unvindicated the Federal interest in eradicating bias-motivated violence.”¹³

The Local Law Enforcement Hate Crimes Prevention Act would also authorize the Attorney General to provide non-financial assistance, including technical, forensic, and

¹² The Act breaks out “offenses involving actual or perceived race, color, religion, or national origin” and “offenses involving actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability.” *See, e.g.*, H.R. 1592, sec. 6(a)(1), (a)(2) (as approved by the House). In order to legitimize federal action and invoke federal jurisdiction, the bill requires that offenses against individuals in the latter group have a relationship to interstate or foreign commerce, thereby implicating Congress’s power to regulate under the Commerce Clause of the U.S. Constitution. *See* H. Rep. No. 110-113 at 14-15 (2007) (explaining bill includes requirement of a nexus between crimes of prejudice based on gender, gender identity, sexual orientation, or disability and Congress’s power to regulate commerce in order to alleviate concerns about the provision’s constitutionality). The nexus between commerce and offenses based on race/color and interstate commerce is not required, however, because the Thirteenth Amendment to the Constitution has been interpreted to explicitly authorize Congress to regulate violence committed on this basis. *See* H. Rep. No. 110-113 at 14. Finally, religion and national origin are included in both groupings because, “to the extent that there may be open questions regarding the precise contours of the range of circumstances under which the enforcement provision of the 13th amendment authorizes Congress to criminalize hate crimes committed on the basis of religion [and national origin], the legislation has included hate crimes based on religious beliefs [and national origin] in both sections.” *Id.* at 15 & n.21.

¹³ *See, e.g.*, H.R. 1592, sec. 6(b). “Certifying” federal officials are “the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General.” *Id.*

prosecutorial assistance, to state, local, and tribal law enforcement to aid in investigation and prosecution of violent felony crimes “motivated by prejudice based on actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim,” and would authorize \$5,000,000 for each of fiscal years 2008 and 2009 to provide federal grants of up to \$100,000 per entity per year to state, local, and tribal law enforcement for investigating and prosecuting hate crimes.¹⁴

A version of the Act was introduced in the House as H.R. 1592 in March 2007 by Representative John Conyers of Michigan, and was approved by the full House in May 2007 by a vote of 237-180.¹⁵ Senator Edward Kennedy of Massachusetts introduced a companion Senate bill, S. 1105, in April 2007, and, after the Senate failed to act on the stand-alone bill by September, Senator Kennedy offered the substance of the bill as Senate Amendment 3035 to the National Defense Authorization Act (H.R. 1585). The Senate approved inclusion of the amendment in the defense bill by voice vote, but the House-Senate Conference Committee stripped the hate crime amendment from the final version of the bill.¹⁶ Further action this year is unlikely.¹⁷

Three other bills addressing hate crimes have been introduced in the House during the First Session of the 110th Congress, but none has been acted upon since its initial referral to House committees. H.R. 254, introduced by Representative Sheila Jackson Lee of Texas, includes many of the same elements in the broader Local Law Enforcement Hate Crimes Prevention Act, including the creation of criminal penalties for certain crimes motivated by bias against the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim or another person. H.R. 1164, introduced by Representative Carolyn Maloney of New York, would amend the Hate Crime Statistics Act to add crimes based on gender to the types of crimes on which the FBI is obligated to collect hate crime data. Finally, H.R. 1806, sponsored by Representative Eddie Bernice Johnson, would support the creation of programs designed to prevent and reduce the incidence of hate crimes committed by juveniles who are themselves victims of child abuse and neglect.

¹⁴ The non-financial assistance portion of the legislation provides federal assistance not only for offenses that qualify as hate crimes under federal law, but also for crimes that are “a violation of [] State, local, or Tribal hate crime laws.” See, e.g., H.R. 1592, sec. 3(a)(C) (as approved by the House). The potential incorporation of this language into federal law underscores the importance of state- and local-level legislative action.

¹⁵ A similar measure also passed the House during the 109th Congress as an amendment to the Children’s Safety Act (H.R. 3132), but was never acted upon by the Senate.

¹⁶ Conference Report to Accompany H.R. 1585, H. Rep. No. 110-477, at 1022 (2007).

¹⁷ See *Congress Drops Hate Crime Bill Covering Attacks on Gays*, CNN.com, Dec. 6, 2007, <http://www.cnn.com/2007/POLITICS/12/06/congress.hatecrimes.ap/index.html>.

III. Existing State Laws Directed Towards Crimes Against Homeless Persons

Two states have enacted laws addressing hate crimes against homeless persons. First, in 2004, California passed a law requiring the Commission on Peace Officer Standards to develop a two-hour telecourse to be made available to all law enforcement agencies in California on crimes against homeless people and how to deal effectively and humanely with homeless people, including those with disabilities. The telecourse is to include information on multi-mission criminal extremism, which includes crimes committed in whole or in part because of the victims' actual or perceived homelessness. In developing the telecourse, the commission is to consult subject-matter experts including, but not limited to, homeless and formerly homeless person in California, service providers and advocates for homeless people in California, experts on the disabilities that homeless people commonly suffer from, the California Council of Churches, the National Coalition for the Homeless, the Senate Office of Research, and the Criminal Justice Statistics Center of the California Department of Justice.¹⁸ In 2005, the Maine legislature amended Maine's criminal code to permit courts to take into account for sentencing purposes a defendant's selection of a victim or target property because of the "homelessness of that person or of the owner or occupant of the property."¹⁹

IV. Proposed State and Local Laws Directed Towards Crimes Against Homeless Persons

In 2007, six states—California, Florida, Maryland, Massachusetts, Nevada, and Texas—considered adding homeless individuals to categories of persons protected by state hate crime statutes.²⁰ Although the details and scope of the proposed legislation in

¹⁸ Cal. Penal Code § 13519.6(b)(6), (7) (2007) (enacted 2004). Per Section 13519.6, the California Commission on Police Officer Standards and Training requires four hours of training on hate crimes as part of law enforcement officers' regular basic training course and special investigators' basic training course, but does not mandate the use of a particular curriculum. See Commission on Police Officer Standards and Training, State of California, Legislative Mandates, <http://www.post.ca.gov/Training/Mandates.asp> (updated 8/2004). Note, however, that California's formal definition of "hate crime" does not include homeless persons as a target classification. See Cal. Penal Code. § 422.55 (encompassing disability, gender, nationality, race or ethnicity, religion, sexual orientation, and the "association with a person or group with one or more of these actual or perceived characteristics"). Recent legislative efforts have focused on expanding the definition of hate crimes to include crimes based on homeless status. See Cal. S.B. 122 (introduced Jan. 22, 2007).

¹⁹ Me. Rev. Stat. Ann. Tit. 17-A, § 1151(8)(B) (2006) (enacted 2005). "Homelessness" is not defined in the Maine Criminal Code.

²⁰ The proposed bills are: California Senate Bill 122, section 1 (amending California Penal Code Sections 422.55 & 422.56, California's hate crime statute, to add "homeless status" to the list of "actual or perceived" characteristics protected under that legislation); Florida Senate Bill 1458, section 1 and Florida House Bill 11, section 1 (amending Florida Statutes Section 775.085, Florida's general hate crime law, to bring persons of "homeless status" within the protection of the law); Maryland Senate Bill 160, section 1 (would have amended Annotated Code of Maryland, Sections 10-304, 10-305, Maryland's general hate crime laws covering crimes against persons and crimes against property, to bring persons who are "homeless" or have a "need for housing" within the laws' protection); Massachusetts House Bill 2509 (amending Massachusetts General Laws, Chapter 265, Section 39, to bring persons of "homeless status" within the Commonwealth's prohibition on "assault and

each state differs, each proposal, if enacted, would result in enhanced penalties for crimes based on the victim's "homelessness" or "homeless status."

In addition, some of the states' proposals would have gone further. For example, the Nevada bill would have given victims of hate crimes who are injured the ability to recover punitive damages and attorney's fees from the perpetrator in addition to the ability to collect actual damages;²¹ it also would have added "status of a homeless person" to the state's hate crime statistics reporting system.²² The Florida legislation, as introduced, would have created a new crime with new penalties for aggravated assault or aggravated battery against a homeless person.²³

Although none of the states ultimately enacted these amendments to their hate crime laws in 2007, additional bills have been introduced in late 2007 and early 2008 to add homeless persons as a protected class to state hate crime laws. In the 2008 state legislative sessions, Maryland, Ohio, Massachusetts, and Alaska all have considered legislation to add homeless persons as a protected class to their hate crime statutes.

Finally, at least one locality adopted a citywide ordinance to criminalize malicious harassment against homeless individuals in 2007. On December 10, 2007, the Seattle City Council voted unanimously to amend the city's hate crime statute to criminalize particular acts, including malicious and intentional injury or threats against a person, or destruction of or damage to the person's property, because of the perception that the person is homeless.

battery for purpose of intimidation"); Nevada Assembly Bill 83, sections 1 & 2 (amending Nevada Revised Statutes Sections 193.1675 & 207.185, to add "status as a homeless person" to the state's statute providing enhanced penalties for hate crimes); Texas Senate Bill 536, section 1 and Texas House Bill 1360, section 1 (amending Texas Penal Code Section 12.47 and Texas Code of Criminal Procedure Article 42.014 to provide enhanced penalties by adding "homelessness" to the list of characteristics protected by the state's general hate crimes legislation).

²¹ Nev. A.B. 83, sec. 4 (amending Nev. Rev. Stat. § 41.690).

²² *Id.* sec. 5 (amending Nev. Rev. Stat. § 179A.175).

²³ Fla. S.B. 1458, sec. 2 (as introduced Feb. 9, 2007) & Fla. H.B. 11, sec. 2 (as introduced Nov. 29, 2006) (proposing creation of Florida Statute section 784.0815). This provision was stripped from both the House and Senate versions in committee.

RECOMMENDATIONS FOR ACTION:

The National Coalition for the Homeless and the National Law Center on Homelessness & Poverty recommend that the following actions be taken:

1. **Inclusion of housing status** in the pending state and federal hate crimes legislation.

H.R. 2216

Introduced by Rep. Eddie Bernice Johnson of Texas on May 8, 2007

Purpose: To amend the Hate Crime Statistics Act to include crimes against homeless persons

Status: Referred to House Subcommittee on Crime, Terrorism, and Homeland Security since 6/25/07

Co-Sponsors:

Rep. Julia Carson [D-IN] passed away in December of 2007

Rep. Al Green [D-TX]

Rep. Raul Grijalva [D-AZ]

Rep. Dennis J. Kucinich [D-OH]

Rep. Sheila Jackson Lee [D-TX]

Rep. Bobby L. Rush [D-IL]

Rep. Robert Wexler [D-FL]

Rep. Alcee L Hastings [D-FL]

Rep. Zoe Lofgren [D-CA]

Rep. John F. Tierney [D-MA]

Rep. John Lewis [D-GA]

H.R. 2217

Introduced by Rep. Eddie Bernice Johnson of Texas on May 8, 2007

Purpose: To amend the Violent Crime Control and Law Enforcement Act of 1994 to include homeless status in the definition of “hate crime” for the purposes Federal sentencing provisions

Status: Referred to House Subcommittee on Crime, Terrorism, and Homeland Security since 6/25/07

Co-Sponsors:

Rep. Julia Carson [D-IN] passed away in December of 2007

Rep. Al Green [D-TX]

Rep. William Jefferson [D-LA]

Rep. John Lewis [D-GA]

Rep. Eleanor Holmes Norton [D-DC]

Rep. Robert Wexler [D-FL]

Rep. Al Green [D-TX]

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Rep. Alcee L. Hastings [D-FL]
Rep. Dennis J. Kucinich [D-OH]
Rep. Zoe Lofgren [D-CA]
Rep. Bobby L. Rush [D-IL]

2. **Awareness training** at police academies and departments nationwide for trainees and police officers about the causes and solutions to homelessness and how to deal effectively and humanely with people experiencing homelessness in their communities.
3. **Faces of Homelessness Speakers' Bureaus** (made up of homeless and formerly homeless people) become established in communities around the country. Speakers would visit both public and private schools in communities for the purposes of information and education, as young people perpetrate a significant portion of the violence against homeless persons. For more help and technical assistance in establishing a Faces of Homelessness Speakers' Bureau in your community, contact Michael O'Neill, Project Director, at: Ph. (202) 462-4822 x20; Email: moneill@nationalhomeless.org, or visit <http://www.nationalhomeless.org/faces>
4. A **public statement** by the U.S. Department of Justice acknowledging that hate crimes and/or violence against people experiencing homelessness is a serious national trend.
5. The U.S. Department of Justice **issues guidelines** for local police on how to investigate and work with people experiencing homelessness based on recommendations from the National Coalition for the Homeless and the National Law Center on Homelessness & Poverty. The U.S. Department of Justice recommends improvements to state law on how to better protect against violence directed at people experiencing homelessness, including tougher penalties.
6. With the assistance of the National Coalition for the Homeless, the National Law Center on Homelessness & Poverty, and criminal justice professionals, **add "housing status" information to the checklist of data** maintained as part of the National Incident Based Reporting System (NIBRS) maintained by the FBI. Similar efforts should be undertaken by state uniform crime reporting (UCR) agencies.
7. A **U.S. Government Accountability Office (GAO) study** into the nature and scope of hate crimes and/or violent acts and crimes that occur against people experiencing homelessness. This proposed study will address the following:
 - Causes of hate crimes/violence.
 - Circumstances that contribute to or were responsible for the perpetrators' behavior.
 - Beliefs held by the perpetrators of these crimes and how their beliefs have changed since conviction.

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- Thoughts and advice from the perpetrators to others who are considering hate crimes/violence against the homeless population.
 - Factors in the community that may be contributing to targeting of homeless persons, such as measures that criminalize homelessness.
 - Contributing factors to homeless persons' vulnerability, such as lack of adequate shelter or housing, and ways to address those factors.
 - Community education, prevention, and law enforcement strategies.
8. Cities should implement more constructive approaches to homelessness and **not implement or enforce criminalization measures.**
 9. Our federal, state, and local governments should prioritize **creating and providing adequate affordable housing and services** to bring an end to homelessness in our communities.

MODEL STATE LEGISLATION

National Law Center on Homelessness & Poverty (NLCHP) and National Coalition for the Homeless (NCH)

On the federal level there are two bills which are currently pending in the U.S. House of Representatives. H.R. 2216 would amend the Hate Crime Statistics Act to include crimes against the homeless. H.R. 2217 would amend the Violent Crime Control and Law Enforcement Act of 1994 to include homeless status in the definition of “hate crime” for the purpose of federal sentencing provisions. Both bills were introduced by Congresswoman Eddie Bernice Johnson (D-TX).

With hate crimes/violence against homeless people escalating, NLCHP and NCH are asking local advocates/service providers to have legislation introduced in your respective state legislatures. Below is a model piece of legislation that we recommend.

There are two states (California and Maine) that have passed pieces of this proposed model legislation. No state has yet added homelessness to its hate crimes statute. Legislation is pending in Massachusetts (H.B. 2509), Ohio (H.B. 419), and Alaska (S.B. 211).

For help and advice in getting this model legislation introduced in your state legislature, please contact:

Tulin Ozdeger, Civil Rights Director, NLCHP
Ph: (202) 638-2535 x212;
Email: tozdeger@nlchp.org

And

Michael Stoops, Acting Executive Director, NCH
Ph: (202) 462-4822 x19;
Email: mstoops@nationalhomeless.org

If you succeed in getting legislation introduced, please let us know right away. We can then mobilize our grassroots members in your state to assist in the lobbying efforts.

Model State Legislation - Hate Crimes/Violence against Homeless People

Whereas, hate crimes and violence against homeless persons has become a nationwide epidemic, with 774 reported cases of violence against homeless people over the past 9 years, resulting in 217 deaths;

Whereas, the scope of prohibitions against the commission of hate crimes against certain groups of persons should include homeless persons;

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Whereas, understanding violent crimes committed against homeless persons and adequate punishment for such crimes play key roles in preventing and managing violence against homeless persons; and

Whereas, law enforcement needs proper training to handle and prevent violent crimes against homeless persons;

Be it enacted:

- (1) Definition of Homeless Person – For purposes of this section, “homeless person” refers to an individual who lacks a fixed, regular, and adequate nighttime residence, or an individual who has a primary nighttime residence that is:
 - (a) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
 - (b) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including motels, hotels, congregate shelters, and transitional housing; or
 - (c) Housing of other persons in which the individual is temporarily staying due to loss of housing, economic hardship, or a similar reason.
- (2) The state hate crimes statute shall be expanded to include homeless persons as a protected class.
- (3) Prohibition on Hate Crimes against Homeless Persons – The following acts shall be deemed a hate crime and prohibited when carried out against a person on the basis that person’s status as a homeless person:
 - (a) Assault, aggravated assault, battery, or aggravated battery upon the person; or
 - (b) Acts that deface, damage, or destroy or attempt to deface, damage, or destroy the personal property of the person; or
 - (c) Acts that result in the death of the person; or
 - (d) Any other crime against the person.
- (4) Punishments for Hate Crimes Against Homeless Persons –
 - (a) A person convicted of aggravated assault or aggravated battery upon a homeless person based on the victim’s status as a homeless person shall be

sentenced to a minimum term of 3 years and fined not more than \$10,000. The person shall be ordered by the sentencing judge to make any restitution to the victim of the offense and to perform 500 hours of community service work. Restitution and community service work shall be in addition to any fine or sentence that may be imposed and shall not be in lieu thereof.

- (b) Whenever a person is charged with committing an assault or aggravated assault or a battery or aggravated battery upon a homeless person based on the victim's status as a homeless person, the offense for which the person is charged shall be reclassified as follows:
 - (i) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.
 - (ii) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.
 - (iii) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.
 - (iv) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.
- (5) State Office of the Attorney General Study -
 - (a) The Office of the Attorney General shall assess the extent of the problem of crimes against homeless persons and develop a plan to prevent these crimes and apprehend and prosecute the perpetrators of these crimes.
 - (b) In developing the assessment and plan, the Office of the Attorney General shall consult homeless persons, service providers and advocates for homeless persons and law enforcement agencies with experience investigating crimes against homeless persons.
- (6) Law Enforcement Training on Hate Crimes against Homeless Persons –
 - (a) The lead state law enforcement agency shall develop a telecourse that shall be made available to all law enforcement agencies in the state. Every state, local, and correctional law enforcement agency shall certify that each of its officers has taken the course. The telecourse shall address crimes against homeless persons and methods of dealing effectively and humanely with homeless persons. The course shall include instruction on each of the following topics:

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- (i) Information about homelessness, including causes of homelessness, its impact, and solutions to homelessness.
 - (ii) Indicators of hate crimes.
 - (iii) The impact of these crimes on the victim, the victim's family, and the community.
 - (iv) The assistance and compensation available to victims.
 - (v) The laws dealing with hate crimes and the legal rights of, and the remedies available to, victims of hate crimes.
 - (vi) Law enforcement procedures, reporting, and documentation of hate crimes.
 - (vii) Techniques and methods to handle incidents of hate crimes.
 - (viii) The special problems inherent in hate crimes against homeless persons and techniques on how to deal with these special problems.
- (b) The lead state law enforcement agency shall develop a protocol that law enforcement personnel are required to follow, including, but not limited, to the following:
- (i) Preventing likely hate crimes by, among other things, establishing contact with persons and communities that are likely targets, and forming and cooperating with community hate crime prevention and response networks.
 - (ii) Responding to reports of hate crimes, including reports of hate crimes committed under color of legal authority.
 - (iii) Providing victim assistance and follow up, including community follow up.
 - (iv) Reporting methods and procedures to track hate crimes against homeless persons.
- (c) In developing the telecourse, the lead state law enforcement agency shall consult subject matter experts including, but not limited to, the following:
- (i) Homeless and formerly homeless individuals;

- (ii) The National Coalition for the Homeless and National Law Center on Homelessness & Poverty;
- (iii) Other local service providers and advocates for homeless people;
- (iv) Experts on the disabilities homeless persons commonly experience;
and
- (v) Law enforcement agencies with experience investigating hate crimes against homeless people.

MODELS TO ADDRESS HATE CRIMES/VIOLENCE AGAINST HOMELESS INDIVIDUALS

Legislators and advocates in different parts of the country have come up with some concrete, practical ways to address the growing trend of violence against homeless people. These models can be used to implement similar measures in other states and communities.

I. LEGISLATION ADOPTED TO ADDRESS HATE CRIMES/VIOLENCE

CALIFORNIA LEGISLATION

Senate Bill 1234, which was introduced in February of 2004 by State Senator Kuehl, became public law in September of the same year and went into effect in July of 2005. It is now California Penal Code 13519.64.

California Penal Code 13519.64 :

(a) The Legislature finds and declares that research, including "Special Report to the Legislature on Senate Resolution 18: Crimes Committed Against Homeless Persons" by the Department of Justice and "Hate, Violence, and Death: A Report on Hate Crimes Against People Experiencing Homelessness from 1999-2002" by the National Coalition for the Homeless demonstrate that California has had serious and unaddressed problems of crime against homeless persons, including homeless persons with disabilities.

(b) (1) By July 1, 2005, the Commission on Peace Officer Standards and Training, using available funding, shall develop a two-hour telecourse to be made available to all law enforcement agencies in California on crimes against homeless persons and on how to deal effectively and humanely with homeless persons, including homeless persons with disabilities. The telecourse shall include information on multimission criminal extremism, as defined in Section 13519.6. In developing the telecourse, the commission shall consult subject-matter experts including, but not limited to, homeless and formerly homeless persons in California, service providers and advocates for homeless persons in California, experts on the disabilities that homeless persons commonly suffer, the California Council of Churches, the National Coalition for the Homeless, the Senate Office of Research, and the Criminal Justice Statistics Center of the Department of Justice.

(2) Every state law enforcement agency, and every local law enforcement agency, to the extent that this requirement does not create a state-mandated local program cost, shall provide the telecourse to its peace officers.

MAINE LEGISLATION

This law implements the recommendations of the Attorney General's working group regarding the advisability of implementing aggravating sentencing factors for crimes against persons who are homeless, which was established pursuant to Public Law 2005, chapter 393. The law amends the purpose section of the general sentencing provisions of the Maine Criminal Code by adding homelessness to the list of factors, such as the age, religion and sexual orientation of a victim that a court considers in determining the gravity of an offense in sentencing.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §1151, sub-§8, ¶B, as enacted by PL 1995, c. 149, §1, is amended to read:

B. The selection by the defendant of the person against whom the crime was committed or of the property that was damaged or otherwise affected by the crime because of the race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness of that person or of the owner or occupant of that property.

II. PUBLIC EDUCATION INITIATIVES

FACES OF HOMELESSNESS: SPEAKERS' BUREAU

“Faces of Homelessness” is one of the most visible public education and organizing tools of the National Coalition for the Homeless. Its mission, in keeping with that of NCH, is to bring people together to identify issues to be tackled in the movement to end homelessness. By discussing the stereotypes, myths, and misconceptions of homelessness, we can begin to move past our obstacles, get to the root causes of poverty, and figure out how we can prevent its worst outcomes.

In addition to accomplishing this educational goal, participating in a Faces Panel empowers people who have experienced homelessness. Members of the Speakers' Bureau feel the satisfaction of making a difference in their own lives and the lives of others by helping people to understand a highly misunderstood situation. Using their own experiences, speakers put a human “face” on homelessness and inspire individuals to become involved in the struggle to end homelessness on both the local and national level.

Typically, the speakers' bureau presents to high school and college students, civic organizations, religious groups, and at other special events.

The standard presentation format includes a video about homelessness in America, up to three homeless or formerly homeless panelists, and a moderator to facilitate the discussion. Participants are strongly encouraged to ask questions throughout and to

engage in conversation.

We can help anyone set up a “Faces of Homelessness” panel anywhere in the nation. We provide assistance with everything from recruiting and training volunteers and facilitators to advertising and planning events. For more information, contact Bureau director Michael O’Neill at 202-462-4822 x20. You can also reach him via email at moneill@nationalhomeless.org.

HOMELESS EDUCATION CURRICULUM

Below is a synopsis* of the curriculum adopted by Miami-Dade County Public Schools. It was created by Miami-Dade County Public Schools in collaboration with the Miami-Dade County Homeless Trust to capture students’ attention and foster an appreciation of the challenges that homeless people face.

Pre-K and Kindergarten:

Lesson Plan: An Understanding of Homelessness

To give children an understanding of the needs that we all have to be comfortable and comforted.

Grades 1-3:

Lesson Plan: An Understanding of Homelessness

Encourage predictions and assumptions from children about why people carry bags and suitcases.

Grades 4-5:

Lesson Plan: A Car for a Home/Shelter in a Box

Encourage predictions and assumptions from children about why people sleep in boxes or on the street. Provide students with an understanding of the extent of the problem of homelessness.

Grades 6:

Lesson Plan: Who are they/should we care/what does it mean?

Students will compare and contrast the definition of what it means to be homeless and identify strategies that can raise sensitivity for anyone in the group.

Grades 7-8:

Lesson Plan: What is Homelessness?

This lesson will provide students with an understanding of what homelessness is, who it can affect, and how they can make a difference.

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Grades 9-12

Lesson Plan: Homelessness: Fact or Myth

Students will examine their preconceived notions of the homeless, learn who the homeless are, understand philanthropic efforts to improve the conditions of homeless children, and explore ways to help the homeless.

*Lesson plans and descriptions were taken directly from Project Upstart Homeless Children & Youth Program's Homeless Education Curriculum Manual.

LISTING OF INCIDENTS BY CITY:

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Austin, TX p.78, 87	Granite City, IL p.67	Oklahoma City, OK p. 62, 88, 91
Baltimore, MD p.88	Hamilton Township, NJ p.86	Omaha, NE p.84
Bayamón, Puerto Rico p.75	Haverhill, MA p.60	Philadelphia, PA p.72
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70, 86, 87

Tampa, FL p.80

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Tulsa, OK p.62

West Palm Beach, FL p.65,
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The case summaries of violent acts committed against homeless individuals were gathered from a variety of sources. A number of narratives were derived from published news reports. Information was also provided by homelessness advocates across the country. Lastly, information was gathered from homeless and formerly homeless individuals themselves, in self-reporting incidents they experienced first hand.

While we could not always identify the motive for each attack based on our sources of information, some of these attacks were perpetrated due to a bias against the victim because of his or her homeless status. Other attacks may have been perpetrated merely because the homeless person was in a vulnerable position to be attacked, due to the nature of homelessness. Only attacks committed by housed individuals towards homeless individuals were included. Crimes committed by homeless individuals towards other homeless individuals were excluded from this report.

CASE DESCRIPTIONS OF LETHAL ATTACKS BY MONTH, DATE, AND CITY IN 2007:

TOTAL DEATHS: 28

JANUARY

St. Petersburg, Florida

Two Homeless Men Found Murdered A Few Blocks Apart

January 18: Just days after the city decided to shut down and literally destroy the tents in a tent city, populated by over 150 homeless people, the bodies of David Heath, 53, and Jeff Shultz, 43, were found a few blocks apart. The two homeless men did not know each other, nor were they residents of the tent city. Both local homeless people and advocates responded to the murders by saying everyone was safer when the tent city existed. “There’s safety in numbers, and right now there’s a lot of fear,” Mary Street explained to The St. Petersburg Times. Street left the tent city last week after getting a voucher for an apartment.

A few weeks later, police arrested two young men Cordaro Antwan Hardin, 18, and Dorion Deshawn Dillard, 20, charging them with both murders. Robbery may have played a role in Shultz’s killing, but Heath’s death seemed to be random. Local police determined that the attackers did not get anything from the victims. Heath leaves behind three children.

In light of the murders, two tent cities were allowed to stand. Mayor Rick Baker later said the decision to cut tents was a mistake and police said they did not plan any more raids.

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Haverhill, Massachusetts

Homeless Man Beaten To Death

January 24: Patrick Donovan, a 51-year-old homeless man, died after Brian Sewasky, 25, punched him in the face outside a convenience store. The punch caused Donovan's head to slam against the pavement. He died the next evening at Merrimack Valley Hospital due to the injuries.

Police said the two had a brief argument outside the store before Sewasky punched him. According to court documents, a 35 year-old homeless man witnessed the attack and identified Sewasky in a photograph.

Brian Sewasky is charged with murder.

Gibsonton, Florida

Homeless Man Robbed and Beaten to Death

January 28: After fending off three men with a knife in December, a homeless man was stabbed and killed by his previous attackers seeking revenge. Ralph Woods Jr., 25, Raymond Sample, 27, and Richard Morse Jr., 18, stabbed the 31-year-old homeless man with his own knife behind an Advanced Auto Store on U.S. 41. Hillsborough County Sheriff's Deputies described the men as thugs on a simple mission. "They were looking for an easy prey, and they figured that a homeless person was easy prey," investigators told WFLA News.

FEBRUARY

San Diego, California

Homeless Man Murdered and Scattered Around the City

February 23: San Diego police arrested 61-year-old Michael Nash near his home in conjunction with the disfigurement and killing of Allen Burton Hawes, a 57-year-old homeless person.

Hawes was shot and killed sometime on or after February 23. A tow truck driver found Hawes' head in a plastic bag on Interstate 5. Parts of his body were found near the Otay River in Palm City, Interstate 5, and on State Route 163. Friends described Hawes to CBS News as "the nicest guy around here."

Investigators believe the two knew each other, but they have not been able to establish a clear motive. Some neighbors say that he may have been gay; however, the police have not commented on whether sexual orientation played a role in the murder.

Nash pleaded not guilty to the crime.

APRIL

Mount Kisco, New York

Police Officer Charged With Murder in Connection to Death of a Homeless Man

April 28: George Bubaris, a 30-year-old police officer, has been charged with second-degree murder in the death of a homeless Guatemalan immigrant. Bubaris faces one count of unlawful imprisonment and two counts of official misconduct. Rene Javier Perez, the 42-year-old victim, called 911 from a laundromat and spoke with Officer Bubaris. Perez was known as a troublemaker and has been arrested repeatedly for petty crimes. One hour after the 911 call, Perez was found unconscious on the side of a dirt road. He was taken to a hospital and died hours later. The medical examiner declared the cause of death to be homicide. Apparently, Perez's internal abdominal injuries resulted in his death. Fernando Mateo, president of Hispanics across America, responded to the crime in New York Times by saying, "Murder is not deportation. You don't murder someone to get rid of them. If you're a police officer you should be protecting the community, not assaulting the community."

Springfield, Missouri

Man Charged in Brutal Murder of Homeless Woman

April 28: On May 4, a 24-year-old man was arraigned on a second-degree murder charge after turning himself in to Springfield police for the murder of a homeless woman, Tyla Elane Rhodelander, 44, near E. Chestnut Expressway. Although arraigned, the man did not confess to the crime.

According to the statement filed by the police, Michael Humphrey called the police and reported his nephew, Aaron Letterman, had killed someone and could lead them to the body. According to Humphrey's statement, he and Letterman met Rhodelander near the cemetery on April 28. Rhodelander told the men she was homeless and the two men helped her to carry her personal belongings and a tent to the wooded area. After setting up her tent, Humphrey said they talked and listened to music for several hours.

Humphrey said Letterman wanted to have sex with Rhodelander and followed her into her tent. After a few minutes, Humphrey said Letterman retrieved a hatchet from outside of the tent, hit Rhodelander in the head and continued to strike her. The medical examiner declared she died from a trauma to the head.

MAY

Chicago Illinois

Death of Homeless Woman Caught On Camera

May 15: Alicia Foster, 40, was viewed on surveillance video being beaten by two suspected gang members outside a restaurant on May 15th. Ricardo Cortes, 28, was detained on a first-degree murder charge in the death of this woman with another suspect being investigated. The police have released some of the video footage in hopes of ascertaining more information from the public in identifying the suspects.

Foster had a verbal exchange with Cortes and another man before they attacked and beat her to death in the parking lot of Lawrence's Fisheries.

Oklahoma City, Oklahoma

Homeless Woman Dies After Police Used a Taser Gun

May 19: Milisha Thompson, a 35-year-old homeless woman, died after being shocked with a Taser gun by local police. A Taser gun is an electric stun gun often used to subdue people who are difficult to contain, without using a more violent force. Many are speculating that the use of a Taser was unnecessary in Thompson's case, as she was already handcuffed and on the ground.

Officers were in the area investigating a report of drug activity near a homeless shelter. According to Police Chief Bill Citty, Thompson was being disruptive, so the officers handcuffed her. Citty says Thompson would not calm down, so the officers stunned her twice in the neck with the Taser. Thompson's husband, Marvell Thompson reports they shocked his wife 20 times and told the Oklahoma Tribune, "They did use excessive force on my wife." Mr. Thompson said his wife suffered from schizophrenia and might have had an episode causing her to feel threatened at the time of the interaction. Mr. Thompson said they were living and working at the City Rescue Mission while recovering from drug addictions. After Milisha Thompson appeared to be unconscious, the officers started CPR, and she was taken to the hospital and said to be dead upon arrival.

The two officers have been placed on paid administrative leave and an investigation is planned. A church surveillance camera caught the incident on tape, but the police are holding it for the investigation. Thompson's family has filed a \$1.5 million dollar lawsuit against Oklahoma City claiming the police used excessive force and have failed to properly train officers in Taser gun protocol.

Tulsa, Oklahoma

Police Call the Murder of a Homeless Man a "Thrill Killing"

May 31: A homeless man, whose name has not been released, is believed to have found shelter for the night in an abandoned apartment. Four men arrived at the building to party for

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the night. Once they came upon the homeless man, police say they beat the man to death for the thrill. Brothers, Dusty and Leslie McGee have been arrested for the murder and police are still looking for a third suspect.

JUNE

Gastonia, North Carolina

Teens Plead Guilty to Death of Homeless Man

June 26: Royce Dean Mathis, a homeless man from Gastonia, NC, was brutally murdered after stepping in on behalf of a younger boy engaged in an argument with three teens.

Crips gang members, Quentin O'Neal Woods, 15, Ithamar Ajalon Davis, 15, and Jamond Rashad Burney, 18, have been accused of the crime. Burney has specifically been accused of sneaking up behind Mathis and stabbing him in the neck. According to police, Mathis sustained injuries from a hunting-style knife and from being hit and kicked by the 15-year-olds.

The teens report that they wanted to teach Mathis a lesson because they thought he disrespected them by breaking up the verbal fight.

Richard Ervin Mize, a 47-year-old homeless friend of Mathis, was initially accused of the murder, and was released after spending 75 days in jail.

Davis will be charged with first-degree murder, conspiracy to commit murder, and malicious secret assault. Although Davis is only 15 years old, he will be charged as an adult. Burney has also been charged with murder and malicious secret assault.

Woods made a plea deal with prosecutors, agreeing to testify against Davis and Burney.

JULY

Statesville, North Carolina

10 Teens Attack a Homeless Man and Leave Him for Dead

July 12: A homeless man died in the hospital after being beaten by a group of 10 teenagers. Terry Turner, 45, was attacked and robbed by the group in the middle of a busy intersection. One witness saw the 10 teens begin punching Turner and standing on him once he hit the ground. Three of the teens beat and spat on Turner. They also stole \$65 dollars from him.

The attack occurred one block from the police department and directly in front of city offices. The teenagers fled the scene once an ambulance arrived for Turner. Turner was taken to Wake Forest University Baptist Medical Center, where he died of blunt trauma wounds.

“They killed a man for nothing,” Turner’s friend, Michelle Wallace told WSOC-TV in Charlotte, NC. Relatives have been working with local businesses to raise awareness about what happened and collect money for a reward.

Police arrested Jatorre Dixon, 16, and two 15-year-olds, whose names were not released because they are juveniles. All three were charged with first-degree murder and common-law robbery. Police are still searching for the other boys involved.

A few days later, the police began searching for suspects in a beating similar to the one that occurred on July 12th. For the past two summers, the city’s homeless have complained about groups of teens robbing and beating them.

San Francisco, California

Homeless Man Harassed By Teens and Died From the Beating

July 17: Ramon Lopez, a 35-year-old homeless man, died after a teenager punched, kicked, and beat him with a glass bottle. According to eyewitness reports, Lopez was near 25th and Harrison Street when a group of teens approached him. One teenager tried to take his shopping cart, but Lopez argued, saying that it belonged to him. The teen punched Lopez and threw a bottle at him, hitting him on the head. The teenager left with his friends, leaving both Lopez and the shopping cart. Police are still searching for the teenager who committed this atrocious murder.

AUGUST

Cincinnati, Ohio

Homeless Man Shot in the Face after asking for a Quarter

August 7: Donald Francis, 44, was shot and killed after asking Geraldine Beasley, 62, for a quarter. Beasley reportedly expressed a complaint about Francis to a nearby individual, Francis asked her for a quarter, and she proceeded to shoot him in the face. Of the incident, Police Chief Tom Streicher was quoted in the Associated Press saying, “That’s apparently all there was to it.”

According to the Greater Cincinnati Coalition for the Homeless, Francis’ death was “[an act] resulting in Cincinnati’s first documented homeless hate crime in two years.” Additionally, Georgine Getty, Executive Director of the Greater Cincinnati Coalition for the Homeless stated, “This crime is a tragedy and absolutely appalling.”

Beasley has a fifteen-year court history and is thought to experience mental illness. She was charged with murder and her trial was in February 2008.

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West Palm Beach, Florida

3 Held in Beating of Homeless Man

August 8: Gary Fenshaw, 41, told local police officers that a group of three chased him down and severely beat him with a two-by-four. The attackers yelled out racial slurs while they kicked and beat him.

The young men chased Fenshaw, finally catching him near a convenience store. Fenshaw managed to stop the attack when he slashed Kevin Medrano across the neck with a shard.

Fenshaw later died.

Ronald Shupe, 18, Kevin Medrano, 18, and Alex Medrano, 17, were arrested on charges of aggravated battery with prejudice and conspiracy to commit aggravated battery. Kevin Medrano and Alex Medrano are members of the Sur-13 gang.

Camden, New Jersey

Four Teens Murder Homeless Man

August 30: John Anthony Smith, 54, was well liked in his South Jersey neighborhood. Friends and residents described him as wise, proud, and stubborn. So stubborn that on the night of his death he had denied an offer to sleep in a companion's home. Smith was awoken from his park bench when four area teenagers began to punch, kick and beat him with a stick. Smith was taken to Cooper University Hospital where he suffered for 18 days before dying. The motive is unknown; the teenagers did not take any of Smith's personal belongings. If tried as adults, the young men aged 15 to 17 years, could face life in prison. Their status hearing was held in March 2008.

SEPTEMBER

Reno/Sparks, Nevada

Teens Accused of Beating and Killing Homeless

September 3: Two teenagers were arrested for the beating death of a homeless man. Christopher Michael Maciolek, 19, and Finley Byrdette Fultz, 18, were booked on suspicion of open murder in the beating and stomping to death of James Beasley, 55.

Witnesses say the two attackers beat a homeless man at Wingfield Park, and then walked to nearby Brick Park where Beasley was sleeping on a bench. They kicked and stomped on Beasley's head and torso.

Both teens are suspected in the beating up two other homeless people on Labor Day.

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One victim didn't file a police report in order to not to be known as a "snitch" to the police. This victim was beaten up by a group of men as he was sleeping. The man suffered leg fractures.

Another man reported he was awakened along the banks of the Truckee River by a group of younger men who were beating his legs with either a bat or a stick.

Mark Mallory, assistant manager for the Men's Drop-In Center, said that seven of his clients, including the murder victim, Beasley, were assaulted by people believed to be housed.

Chicago, Illinois

Two Homeless Men Shot in Uptown Chicago

September 6: In what appear to be unrelated incidents, two homeless men were shot in a 24-hour span. Phillipi Larnarri, 32, was shot in the head while sleeping on a bench early in the morning. Two men were seen fleeing the area, which is known to have gang activity. That night, 29-year-old James Lane, who lived in a shelter, was shot in the street. He was arguing with someone before he was shot. The shooter remains unknown in both cases, though police suspect the murders are unrelated.

St. Petersburg, Florida

Homeless Man Killed Under Freeway Overpass; Police Suspect Connection with Other Crimes against Homeless

September 13: Charles Cummings, 49, was found beaten to death under an interstate on-ramp, a few feet from his belongings. Police believe Cummings was the victim of a group attack by men who had assaulted other homeless individuals around the same time period. The motive is unclear, but Sgt. Mike Kovacsev was quoted in St. Petersburg Times saying, "Sometimes, [the homeless] are attacked just because they're homeless. Sometimes, they are just victims of opportunity."

OCTOBER

New York, New York

Homeless Man Set on Fire

October 5: Felix Najero, a 49-year-old homeless man, was set on fire outside of Bethany Christian Church where he rested for the night. The fire burned seventy-five percent of Najero's body, spreading across his face, chest, and stomach. Najero died four days later in New York-Presbyterian/Weill Cornell Medical Center. Police have arrested Israel Torres, a 29-year-old man from the Bronx, for the attack, charging him with attempted murder. Torres, a former prisoner, reportedly taunted Najero prior to the attack. Torres may be recharged with a more serious offence now that Najero is dead.

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Granite City, Illinois

Homeless Man Beaten to Death for a Beer

October 7: Police arrested two teenagers, 17-year-old Joseph Lee Raines and 18-year-old Brandon Bouck, for the death of Thomas J. Muffler, 48. Raines and Bouck were charged with first-degree murder and robbery. They asked Muffler, who was homeless, to buy them alcohol, and when Muffler refused because they were underage, they punched him once. Later that night, the two boys saw Muffler with a beer, so they beat him and stole his beer.

Muffler's body was found in a residential neighborhood, where he collapsed after the beating. An autopsy revealed Muffler probably died from complications of injuries (consisting of broken ribs and a pierced lung) he received. Bouck and Muffler could face up to 20 years in prison after pleading guilty to second-degree murder in April 2008.

Abilene, Texas

Homeless Man Beaten to Death

October 27: Eric Raphael McMahon, 48, was discovered severely beaten in a back alley, and taken to the hospital. The next day, police removed him from life support. A witness described the two attackers as young men. One 15-year-old boy was arrested and sent to a juvenile detention center, but his name has not been made public due to his status as a minor. Police are searching for a second suspect.

Of this incident, Sgt. Tim Schmidt, spokesman for the Abilene Police Department and Crime Stoppers, told Dallas Morning News, "It seems like a senseless, violent act by people who have no respect for other people. It's just a brutal act seemingly unprovoked."

NOVEMBER

Riverside, California

Police Arrest Suspect for Murder of Homeless Man

November 27: Police arrested Francisco Javier Hernandez, 18, for the stabbing murder of a homeless man. The victim, a 47-year-old man who is unnamed pending family notification, was found lying in the dirt with multiple stab wounds. The motive for the attack remains unclear.

Ocala, Florida

Homeless Man Attacked By Two Teens

November 28: Robert Towns Leigh, a 44-year-old homeless man from Tallahassee, was beaten with an aluminum baseball bat by two teens.

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James Roberts, 18, and his cousin William Anthony Myers, 16, admitted to police that they beat Leigh around 1:00 AM. The two teens have been charged with capital murder.

Leigh had been in Miami visiting a friend and intended on hitchhiking back up to Tallahassee. The teens claimed that they were “startled” by Leigh, who told them to leave him alone, and decided to go home to arm themselves. They returned to the bench and attacked Leigh.

Richard, Leigh’s brother, commented to a Tallahassee news source about the death of his brother, “It’s just a senseless crime. I can’t believe this happened.”

DECEMBER

Missoula, Montana

Homeless veteran suffers deadly beating to the head by young men, memorial held.

December 6: 56-year-old Forrest Salcido was found dead near the California Street footbridge in Missoula. According to reports from the police, Salcido was walking by two young men when he was struck in the head and subsequently stomped repeatedly, up to 30 times.

Anthony St. Dennis, 18, and Dustin Strahan, 20, are facing murder charges for the crime. Police say they were under the influence of alcohol at the time of the attack.

Acquaintances of Salcido told Missoula News he was a “very sweet man, very intelligent, very humble, and very respectful.” The victim’s own nephew commented that every year he gave him small gifts at Christmas and he wonders now what his uncle went without in order to buy the gifts.

Hayward, California

Transient’s Beating Leads to Death

December 22: An intoxicated Robert Marr, 49, came into Hayward Fire Station No.2 suffering from a head injury and cuts on his face. Marr was transferred to a local hospital where he underwent surgery to treat his injuries.

Police interviewed Marr when he was first admitted to the hospital. He told police he was beaten up by a group of two to five men in their 20’s who were possibly white or Hispanic.

After being released from the hospital, he was found face down on Anita Avenue. He never regained consciousness and his family took him off life support on December 30th. After reviewing the autopsy, his cause of death was a result of a severe beating, escalating the case to a homicide.

Phoenix, Arizona

Repeated Taunts Turns Deadly for a Homeless Man

December 25: Aaron Taylor, a 36-year-old homeless man, burned to death after being set on fire. When the Phoenix Fire Department arrived Taylor was burning with a concrete bench attached to his back. Taylor may have been duct taped to the bench, which complicated all forms of rescue.

The alleged suspects are three men, ages 17, 20, and 24. Due to the ongoing investigation, authorities have not revealed the identities of these men who have been accused of constantly harassing Taylor.

One of the witnesses says that he saw the three men offering Taylor alcohol, and another witness reports that he saw the three men drinking with Taylor shortly before he was set afire.

CASE DESCRIPTIONS OF ATTACKS INVOLVING RAPE/SEXUAL ASSAULT, NOT RESULTING IN DEATH BY MONTH, DATE, AND CITY IN 2007:

TOTAL ATTACKS: 2

JANUARY

Richmond, California

Homeless Woman Severely Beaten and Possibly Raped

January 29: Ruth Ashley, a 49 year-old homeless woman, was found badly beaten and left for dead on the sidewalk. Ruth was semi-unconscious and was found with her pants down, leading investigators to believe she may have also been raped.

Ruth had to undergo surgery to remove her spleen with doctors reporting to the San Francisco Chronicle that her, “internal injuries are massive and life-threatening.” Sgt. Mitch Peixoto revealed to the same source that she “suffered numerous facial fractures and was beaten so badly that her eyes were swollen shut.”

Investigators also said that it appears that she was beaten by someone’s bare hands, feet, and maybe a stick.

OCTOBER

St. Petersburg, Florida

Sheriff’s Deputies Halt Assault on Homeless Woman

October 10: Alan A. Martin, 27, was apprehended as he sexually assaulted a 68-year-old homeless woman. Pinellas County sheriff’s deputies were already watching Martin as a suspect in two unsolved burglaries in Clearwater and Dunedin. That night, Martin attempted to rob an apartment next to his, but fled when residents saw him. Deputies followed, and caught him later as he assaulted the homeless woman.

CASE DESCRIPTIONS OF ATTACKS INVOLVING SETTING ON FIRE, NOT RESULTING IN DEATH BY MONTH, DATE, AND CITY IN 2007:

TOTAL ATTACKS: 9

FEBURARY

Corona, California

Homeless Man and Woman Set On Fire in Their Sleep

February 9: A homeless man and woman were sleeping behind Corona Rancho Market, when the man awoke smelling gasoline and realized the woman was on fire. She suffered second-degree burns on over 30% of her body, including her head, legs and hands, while the man suffered burns on his hands and arms from trying to trying to put the fire out.

Police say something like a Molotov cocktail, usually a glass bottle filled with gasoline and then lit, might have started the fire. The victims' names have not been released due to the ongoing investigation. Ron Stewart of the Riverside Homeless Programs responded to The Press-Enterprise saying, "Such abuse should be treated as a hate crime and is a growing national trend." He continues, "It's deplorable and tragic that this could happen in our community ... Prevention can start with increased awareness of homeless needs ... to get them off the streets and keep safe."

JULY

Los Angeles, California

Inspired by "Bumfights": Four Teens Have Been Terrorizing Homeless People and Recording Video Footage on Their Cell Phones to Post as Videos on the Internet

July 3: Four teenage boys, ages 15 to 17, have been arrested for the attacks of at least eight homeless people. The attacks occurred between July 3 and July 15. On July 3, the teens used an air pistol to fire plastic pellets at a homeless man covering his head with a blanket. On July 4, the boys threw a homeless man's bicycle into his tent. On July 15, the teenagers threw smoke bombs at four homeless people, causing one man's blanket to catch fire. Police made the arrest after they saw the teens recording the homeless man whose blanket caught fire. The cell phones were taken as evidence and revealed videos of other attacks. According to Lt. Paul Vernon, the teens said they were influenced by the "Bumfights" movies and planned to post the videos online. They also believe the boys may have been involved with as many as seven incidents. The perpetrators, whose names will not be released because they are minors, are being held without bail at a county juvenile hall and may face charges of arson and assault with a deadly weapon.

Highland Park, Michigan

Homeless Victim of Burn Sues Assailant

July 12: Bill Zimmer, a 50-year-old homeless man who has been staying in an abandoned house in Detroit, is suing KFC Manager Kimberly Mallory in excess of \$25,000 for allegedly scalding him with water. Zimmer has also included parent company Yum! Brands Inc. of Louisville, Kentucky, and Kazi Foods of Michigan as co-defendants in the lawsuit.

Zimmer reported that he was panhandling outside the restaurant door when Mallory tossed a pail of boiling water on him. He spent 13 days in the burn unit of a Detroit hospital as a result of the severity of his injuries.

Mallory still works for the restaurant but could not be reached for comment.

NOVEMBER

Philadelphia, Pennsylvania

Four Attacks Including a Panhandler Whose Coat and Possessions Were Set on Fire

Early-November: According to Sarah Erdo, program manager from Project HOME's outreach center, there have been reports of four attacks on homeless people in the month of November. One victim, "Ponytail," from South Philadelphia had her coat and possessions set on fire.

Philadelphia, Pennsylvania

Homeless Man's Blanket Set on Fire while Sleeping

November 29: Angel Dejesus, 49, usually sleeps outside the Liberty Gas Station, covered in a blanket. Around 7 pm, two juveniles who set his blanket on fire startled him awake. Dejesus was treated for minor burns on his fingers and hands at Episcopal Hospital. A surveillance camera at the gas station reveals blurry footage of the incident and police are unsure what the juveniles look like or what they used to start the fire.

CASE DESCRIPTION OF NON-LETHAL BEATINGS BY MONTH, DATE, AND CITY IN 2007:

TOTAL ATTACKS: 110

JANUARY

Lakeside, California

Transient and Station Clerk Attacked by Three Juveniles

January 25: Three juveniles attacked a transient and the clerk at a Shell gas station after the clerk tried to help the victim.

The police are holding three juveniles who admitted to committing the attacks. According to a report in the San Diego Union Tribune, the youth, “got into an altercation with the transient outside a Shell gas station.”

When the clerk attempted to assist the homeless man, he was also beaten. The clerk managed to obtain a weapon that one of the youth dropped and used it to run them from the store, but not before being beaten so badly that he had to be hospitalized.

During the attack, the juveniles struck both victims with a pool stick that the transient had been carrying.

The three attackers fled the scene in a blue four-door sedan.

Leesburg, Florida

47-Year-Old Charged with Attempted Homicide

January 28: Richard C. Wilson, 47, was arrested on an attempted homicide charge after being accused of nearly killing a homeless man by means of kicking and stomping him more than 20 times.

A witness reported watching Wilson attack the 48-year-old homeless man near an abandoned railroad bed, dragging his body along a nearby embankment following the beating.

The homeless man was airlifted to Orlando Regional Medical Center after suffering extensive trauma to his face and partially losing consciousness.

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FEBRUARY

Lawrence, Kansas

KU Students Respond To Two Violent Attacks against Homeless Individuals in Kansas This Month

February: After two homeless people were attacked in Lawrence in February, Shannon Williams and Jenni Holtaway, two Kansas University students, wanted to do something to put an end to “bum bashing” both in Lawrence and across the U.S.

On May 5, 144 donated sleeping bags were put on display in South Park intended to symbolize the 144 homeless people attacked nationwide last year. Each sleeping bag was tagged with the name of a victim of violence.

Following the display the sleeping bags were donated to the Lawrence Community Center and Salvation Army.

Cleveland, Ohio

6 Homeless People Brutally Beaten By Young Men

February ‘07-May ‘07: Cleveland homeless advocates say the brutal beatings of at least 6 homeless people, taking place between February 2007 and May 2007, occurred at the hands of young men armed with baseball bats and pipes.

Two victims reported their attackers were short-haired young men driving a black Trans Am. Other attackers were described as teenage boys on bikes with shaved heads. Local advocates for the homeless are worried these attacks are hate crimes.

Corpus Christi, Texas

Teens Videotape the Planned Beating and Robbery of a Homeless Man

February 8: Austin Bires, 15, and Cody Lavender, 17, used a stolen video camera to record themselves beating and robbing a homeless man. The woman whose camera was stolen found the tape still in the camera when it was returned to her and turned it in to the police.

According to police, one teen narrates what they are about to do before they attack. Commander David Torres, quoted in a CNN report, said “After the narration, two of the kids take off running, full speed, and one of them just drop-kicks the homeless man with both feet on the guy’s back.”

Police say the teens came up behind the victim and kicked him and slammed his head onto the pavement. Torres describes, “They actually grab him and flip him around to film his injuries”... “And I’m telling you, the way they filmed it – the closeness – they put it together where you can tell it was planned out.”

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Police would not identify the victim, who was treated for a concussion among other injuries. Bires faces six years of tight probation and is required to spend two hours per day, seven days a week cleaning bedpans at area nursing homes.

Redlands, California

Teenager Beats a Homeless Man and Records It on His Cell Phone

February 21: Local police received a call reporting that a group of people was punching and kicking Gregory Thelander, a 40-year-old homeless man. The police arrived after the attackers fled the scene.

A 15-year-old Redlands boy was arrested in conjunction with the investigation, after his parents overheard him bragging about the attack and discovered the recorded video on his cell phone.

Although Gregory Thelander did not wish to press charges, the juvenile's mother insisted that her son turn himself in. The juvenile was cited for assault and released back to his mother.

Bayamón, Puerto Rico

Homeless Man Attacked and Kidnapped

February 26: A homeless man was kidnapped in Bayamón by city employees who hit him and sprayed him with pepper spray. Fortunately, he was able to be rescued by police in Carolina.

MARCH

Oakland, California

Homeless Man Stabbed with a Sword

March 3: A 43-year-old homeless man was stabbed in the stomach with an 11-inch samurai sword by an unidentified attacker.

While sleeping in the doorway of a building, the homeless man was disturbed by the loud voices of two men. The victim told officers that after he got up he approached the men and told them to leave, pushing one. In response, the man who was pushed hit the homeless man over the head with a scabbard that contained the sword.

The two began to fight and the homeless man was stabbed. Soon after, the attacker fled the scene and the victim was taken to a local hospital where he was treated for the stab wound and the hit to the head. He is expected to recover. Police have little information about the perpetrator and have asked for help in arresting the suspect.

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Ellenton, Florida

Angry Driver Punched Homeless Man in the Face for Jaywalking

March 5: Shannon Dale Adams, 32, got out of his car and punched a 59-year-old homeless man in the face for blocking his right of way. Adams claims his actions were in self-defense and that the man threatened him with a weapon. Police found no weapons and an eyewitness said the fight was unprovoked. Adams was arrested and charged with misdemeanor battery.

West Palm Beach, Florida

Homeless Man Attacked, Part of a Growing Trend

March 10: Jack Cobb, 44, was walking to a convenience store to buy cigarettes when a van pulled up and four men got out and started beating him. One man used a baseball bat while the others punched and kicked him. His wrists, which he used to protect his face, were so badly injured that he still could not move them a week later. He obtained injuries on his back and legs, and his glasses were broken during the attack. Cobb says he is so scared to walk down the street now that he spends all day in a church. "I'm just staying right around here," he told Sun-Sentinel news.

Sun-Sentinel reporter, Howard Goodman, explained, "Beating up on the homeless has become a sick kind of national sport." In Goodman's article, Stephen Johnson, an administrator at Westgate Tabernacle Church, says he has seen between six and eight cases of brutality against the homeless in the last several weeks. In response to this disturbing trend, State Rep. Priscilla Taylor, has drafted a bill that would make crimes committed based on the victims' status as homeless a hate crime under Florida law.

Indianapolis, Indiana

Group of Homeless People Attacked By Group of Teens While Sleeping

Mid-March: Five homeless men, ages ranging from 30-50 years old, were attacked while they were sleeping under a bridge. Tom Skinner, Brian Leath, John Landry, David Wickizer, and Randle Shawn Pearson are friends who look out for each other. They were attacked by five white teenagers on bicycles. A police officer was contacted; however nothing was done and there is no record of a report.

Daytona Beach, Florida

Beating from 17-Year-Old and Two 10-Year-Olds Sent Homeless Man to Hospital

March 27: 17-year-old, Jeremy Woods, and two 10-year-old boys, Drew and Jordan, were arrested for severely beating John D'Amico, a 58-year-old homeless army veteran. The last names of the 10-year-olds have not been released due to their ages.

According to reports, at first the boys saw a different homeless man, James Seaman, riding his bike and threatened to beat and kill him. When they saw D'Amico and his friend, Mike Wantland, walking down Mulberry Street the three boys started following them on their

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bikes. The kids started throwing pebbles and rocks at the men. The two men ran from the kids; however the boys continued to chase them. After a few blocks, the three boys got off their bikes, and the oldest, Jeremy Woods, punched D'Amico in the face. The punch caused D'Amico to slam into a block wall which broke apart on impact. Then the two 10-year-olds began punching and kicking him. One 10-year-old picked up a concrete cinder block and dropped it on D'Amico's Face.

When Police came, D'Amico was covered in blood and was taken by ambulance to a nearby hospital. Wantland suffered only minor injuries. D'Amico described his condition after the attack to the Gainesville Sun, saying, "I can't hear. I can't see well. I just hope the kid gets some help." D'Amico's eye is seriously injured and he now faces \$24,000 in medical bills. The attack occurred at around 8:30 pm on a school night. D'Amico, known as "Big John," works day labor as a security guard and is a 6'2" and a 225-pound man. He reported that he didn't fight back as the kids were attacking him. "I'm not going to start fighting a 10-year-old."

Jordan was sentenced to stay in the high-risk detention facility with mental health counseling up to age 21. Drew received a reduced sentence for his testimony against the other suspects in the case. He was sentenced to a juvenile detention center with mental health treatment for at least six months. Jeremy Woods is being charged as an adult with aggravated battery.

Laguna Beach, California

Homeless Man Stabbed By Gang Member in Laguna Beach

March 28: Jimmy Alexander Carvajal, 22, was arrested for stabbing John Wilson, a 47-year-old homeless man. Wilson was found lying on the sidewalk bleeding from a stab wound in his abdomen. Wilson was taken to a nearby hospital for care. Witnesses reported seeing Carvajal, a member of the gang MS-13, stab Wilson after an argument. Police have not found the weapon because Carvajal ditched it while fleeing the scene. Carvajal has been taken into custody on suspicion of assault with a deadly weapon.

Indianapolis, Indiana

Single Homeless Man Attacked In Park

Late March: A single homeless man was attacked while he slept alone one night on a park bench. There is no record of a police report.

APRIL

Cleveland, Ohio

Homeless Man Assaulted Under Bridge

Early-April: A 39-year-old homeless man was sleeping under a bridge at around midnight when two teenage boys approached him. They beat him for five to ten minutes with a two-

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by-four piece of wood. They stole the \$10 from his wallet and left him bleeding from a large gash to his head. This man reported that when he slept in this area before, kids had robbed him and set his tent on fire. He now sleeps in a different space. The man was treated for head injuries, as well as other lacerations. The suspects were never caught.

Boston, Massachusetts

Two Homeless Men Beaten by Teens

April 4: Two homeless Latino men, ages 22 and 32, were attacked and beaten by a group of white teenagers, who shouted, “We don’t want Spanish here,” as they smashed bottles over the men’s heads, stabbed them with broken glass, and kicked them. Police are investigating the case to learn whether the attack should be considered a racially-based hate crime and if the attack is connected to another attack on a homeless person earlier this year. The two men, who stay at the St. Francis House day shelter, were treated for non-life threatening injuries at Boston Medical Center. None of the attackers have been apprehended.

Austin, Texas

Homeless Man Attacked By a Group of Men While Sleeping

April 6: Veteran Aaron Anderson was assaulted by five men while sleeping in a sleeping bag on a sidewalk. He suffered a fractured left leg, trauma to the head, and multiple cuts and contusions. No suspects have been identified and the victim’s current status is unknown.

MAY

Corpus Christi, Texas

Man Beaten and Assaulted while Sleeping on Park Bench

May 2: Around 4 am, 32-year-old Randy Hazen woke up surrounded by four men who demanded that Hazen get off of their bench. They chased Hazen, forced him to strip off his clothes, give them his wallet, and then punched him repeatedly until he ran naked into Radisson Beach Hotel. Police are searching for the attackers.

Ponce, Puerto Rico

Homeless Man Brutally Beaten By Teens after Panhandling At a Gas Station

May 6: Brando Smith Luna, 35, was attacked on Sunday at around 9:30 pm by a group of teenagers who were apparently angry that Luna was panhandling at a gas station. The beating left him with several injuries to the head and multiple fractures elsewhere. There are no updates on his condition or whether anyone has been arrested.

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Colorado Springs, Colorado

Patrick Addison and Loyal Friend Mark Luther Were Attacked in Broad Daylight

May 8: Patrick Addison, a homeless man living in Colorado Springs, was attacked in broad daylight. According to reports, Addison was beaten by three or four white men with sticks and pipes at 10:15 am in Monument Valley Park. Addison's friend, Mark Luther, tried to find the attackers a few hours later and unfortunately encountered them. Luther was beaten so badly he suffered internal injuries and required nine stitches in his head. These were two of several attacks against homeless people in Colorado Springs in recent weeks. James, a homeless man living in the area, explained to The Gazette in Colorado Springs, "You know why they do it?"... "They think no one is going to care."

Cleveland, Ohio

A Homeless Couple Beaten and Beloved Puppy Stolen

May 11: A homeless couple was brutally beaten and their puppy was stolen by a group of six men driving a black Trans Am. Gunner Maynard and Barbara Butler, who were living in a campsite, reported that the men first approached asking to buy the couple's puppy, a four-month-old Pit Bull-boxer-terrier mix named Train. The couple refused to sell their dog. The men returned later that night with a baseball bat and a knife. Gunner had many bruises on his head from the beating and Barbara was left with a broken collarbone. After the beating, the men stole the puppy. Two nights later they returned with more than twice the number of people and threatened to burn the campsite down. The couple has since relocated. This incident is one of many this year, occurring throughout a two to three month period.

Dania Beach, Florida

A 19-Year-Old Is Arrested For Shooting Homeless Man with Paint-Ball Gun

May 13: Julio Lara, 19, was arrested for shooting Gordon R. Parks, a 37-year-old homeless man, with a paint-ball gun at 10 pm on a Sunday. Miami Herald reports that Lara explained to police that he did it "just to have fun." Once police arrived they found Park's right arm splattered with green paint and a "dime-sized" cut bleeding on his right forearm. Parks told police he was riding his bike when two young men in a white pickup shot him with the paint-ball gun. Parks thought he was shot by a real gun and the impact knocked him off his bike.

Lakeland, Florida

Cops Witness Beating of an Elderly Homeless Man

May 18: Several police officers dressed in plainclothes were patrolling Memorial Boulevard when they witnessed four teenage boys attack Cutis Johnson, 63. It was 12:30 am when the boys approached Johnson, who was sleeping behind a Rent-A-Wheel auto shop. They started punching and shouting and cursing at him to get up. Johnson rose to his feet and ran from the teens. The boys chased after him throwing rocks and beer bottles. One bottle hit Johnson in the right elbow resulting in dislocation and a deep gash. While three boys

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harassed Johnson, one boy searched through Johnson's possessions. The police halted the attack and arrested the young teens, Dexter Davis, 15, David Truedell, 13, Etoy Love, 14, and Wesley Delancy, 15. They are charged with strong-arm robbery and aggravated battery. Truedell faces additional charges for resisting arrest. Johnson was taken to Lakeland Regional Medical Center for care. Local police, advocates, and homeless people in the area agree that attacks on the homeless, especially by groups of teens, are far too common.

Tampa, Florida

Homeless Man Beaten and Robbed By 10-15 Youths

May 30: Billy Wilson, 46, was sleeping in Rowlett Park on Wednesday at around 4:00 pm when a group of between 10 and 15 teenage boys began punching and kicking him. While the others were beating Wilson, one boy stole the money out of Wilson's pocket. After the robbery, they fled the scene. Wilson had minor injuries and did not seek medical treatment.

No further information about the suspects could be found.

Lakeland, Florida

Homeless Man Attacked and Robbed

May 30: According to a Lakeland Police report, Gary Hawkins, 49, was sleeping on the sidewalk near Talbot House Ministries, a homeless shelter, when he was attacked and robbed by two or three men. The men proceeded to kick and hit Hawkins in the head while he slept on the ground. Hawkins was unable to clearly see his assailants who will face charges of strong-arm robbery once identified and caught.

Hawkins was treated and released from Lakeland Regional Medical Center for his cuts and bruises.

JUNE

West Palm Beach, Florida

A Tragic Failure to Deal with a Hate Crime By A Youth Gang

June 12: At approximately 8:10 pm, local Pastor Alan Clapsaddle of Westgate Tabernacle Church witnessed a savage beating of a local homeless woman who is known to suffer from a mental illness.

As Paula Allmon was walking past a gang house in the neighborhood and talking to herself about demons, a young man and a young woman stepped out of the house to block her path. The female began to savagely beat her while the man blocked the woman's attempts to escape. Other gang members soon joined, mocking, and spitting at the woman. Every time Allmon would attempt to flee, the woman would yank her back down to the ground by her hair.

Witnessing the assault, the pastor called 911 and explained what was going on to the operator. Once the officers came, they informed Pastor Clapsaddle that they would only do something if Allmon would give a statement and press charges. When Clapsaddle reminded them that the homeless woman was too mentally disturbed to understand any sort of legal processes, they still refused to take action without Allmon's insistence. The deputies then left without even driving by the gang house, which Clapsaddle believes sent a signal to the members that these types of crimes are acceptable.

Clapsaddle sent a letter to the police department about the "calloused indifference" that was exhibited by the officers and is still awaiting a reply.

Tuscon, Arizona

Homeless Men Attacked

June 12: A man named Wayne said he is often confronted by groups of young men. Kevin, another homeless man, said he's been jumped and pelted with rocks. Diana Robeldo, a worker at Primavera Foundation, sees wounds every day.

Kalamazoo, Michigan

Homeless Man Is Speaking Out after Almost Beaten to Death by Group of Teens

June 14: "The last thing I remember is getting hit really hard with something in the face," Terry Armstrong reported to WOOD-TV of Grand Rapids, Michigan. Armstrong, a 46-year-old homeless man who was walking inside the Rose Street transit station, was jumped by 15 teenagers all wearing white T-shirts. Armstrong was very badly beaten. His jaw was wired shut and his face had multiple fractures which required many stitches. Armstrong has been living at the Gospel Mission since the incident. The workers at the mission said the incident has been very upsetting for everyone staying there.

Ramona, California

Suspect Arrested in June Stabbing of Homeless Man

June 16: Steven Lowe, a 33-year-old homeless man, was cut with a sword near the Santa Maria riverbank. After arresting Andrew Griffith, 28, for a different crime, a sword was found in the back of his truck which connected him to the Lowe incident. Lowe has identified Griffith as the assailant in the unprovoked attack. After slashing Lowe, Griffith fled and Lowe was found by police at 7:50 pm. Andre Griffith is charged with assault with a deadly weapon and battery with great bodily injury.

Huntsville, Alabama

Four Teenagers Arrested and Charged For Vandalizing, Terrorizing, and Assaulting Homeless People

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June 18: Police arrested four teenagers, ages 11, 12, 13, and 14, for terrorizing and assaulting homeless people living in the Stokes Street camp. The assailants attacked the individuals living in the camp with rocks and plastic BB's. The boys had entered the camp near First Stop homeless day center at least four times prior to the incident. They vandalized the space by ripping tents and breaking tables and chairs. The oldest boy grabbed camp resident, Julie Rodgers, by the hair and threatened to rape her in front of the other teens. When Rodger's friend, Mark Evett, ran to find help, one of the teens struck him in the temple with a rock. The boys are thought to have entered and vandalized the camp at least three times before the recent incident. The teens are charged with second-degree robbery and assault.

JULY

Burlington, NC

Homeless Man Injured By Three Teens

July 1: Three teens have been accused of attacking a local homeless man and leaving him with serious injuries. Police found the victim, 58-year-old Richard Sico, bleeding from the head near a gas station. After investigating, police arrested Willie Justin Moore, 16, Timothy Leon Rushing, 19, and Kevin Tyrell Moore, 26, on charges of assault with a deadly weapon.

Nashville, Tennessee

Three Teenagers Went on a Beating/Robbery Rampage in Nashville on the Fourth of July

July 4: Joshua Binkley, 18, Kourtney Clark, 18, and an unidentified 17-year-old drove around in a Chevrolet Suburban in the early hours of July 4th, getting out only to rob and brutally beat innocent people on the streets. One of their victims, a 46-year-old homeless man, has a broken hip as a result of the beating. Don Aaron, spokesperson for the police department, said to The Tennessean, "The three alleged bullies preyed on the defenseless." The three Nashville teenagers have been arrested and are charged with robbery, aggravated robbery, aggravated assault, and assault.

Leesburg, Florida

Five Teens Arrested For Beating Two Homeless Men

July 7: A group of six to eight teenage boys went into an abandoned home and used pieces of concrete, bricks, pipes, bats, and knives, to beat two homeless men nearly to death. Robert "Glenn" Williams, 53, and David Lambert, 42, were so badly injured from the beating they were airlifted to Orlando Regional Medical Center. Williams, covered in blood, crawled to the nearby road and got the attention of a police officer. Lambert had a collapsed lung as a result of a stabbing and needed over 100 staples to seal up the wounds to his head. Williams was so badly beaten on his face and head that he had difficulty talking for days following the attack.

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After the victims identified several suspects from photos of possible perpetrators, 15-year-old Aljanard Allen, 16-year-olds Gabriel McNeal and Brandon T. Mackey, and 17-year-olds Dominique Deloatch and Marquis Duggs were arrested on charges of attempted homicide. Police have stated that the perpetrators destroyed all of the victims' property, indicating that robbery was not a motive. According to the Orlando Sentinel, police believe the young men may have been at a party together the night of the beating. According to police, Lambert had a verbal argument with the suspects two weeks prior to the attack.

At least four of the boys will be tried as adults. Duggs will be charged with two counts of attempted second-degree murder and the other three will each be charged with one count of aggravated battery. Mackey was arrested later and his charges are yet to be determined.

Chicago, Illinois

40-Year-Old Homeless Man Bumped into a Group of Men and Was Beaten with a CTA Sign in an Unprovoked Attack

July 8: At 11:30 pm, Erick Soriano, 24, Luis Recarte, 27, David Romero-Sanchez, 19, and one other person left a bar and were walking on Wabash Avenue when a 40-year-old homeless man, whose identity has not been released, accidentally walked into one of the men. According to reports, Recarte started punching the victim while Romero-Sanchez used a metal CTA sign to attack him. A crowd formed around the scene causing the suspects to flee; however Romero-Sanchez came back for one last strike at the victim. The witnesses called the police and followed the suspects until authorities arrived at the scene. When police arrived, they found the victim covered in blood. He was rushed to Northwestern Memorial Hospital in critical condition. The brunt of the beating focused on his face and head. He suffered from a broken orbital bone around his eye and several wounds were stapled shut. The victim is now in stable condition. Police think it is possible that a metal chain was also used in the attack. The three men are each charged with one account of felony-aggravated battery.

Akron, Ohio

Two Men Arrested For Terrorizing Two Homeless Men at 3 am

July 21: Roommates, Todd Allen, 22, and Timothy Burge Jr., 19, started harassing two elderly homeless men, Thomas M. Pritchard, 68, and Leonard D. King, 50, at around 3:30 am. Pritchard and Leonard told police the two men threw rocks at them and shot them with a BB gun. Then they grabbed the victims' bottle of starter fluid and burned a pile of the victims' clothes.

Officers arrived on the scene in response to a call about a fight under the bridge. The two men were arrested and are being held in the City Jail on charges of felony assault and criminal damages.

According to officer the two homeless men had visible injuries but refused to go to a hospital.

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AUGUST

Albuquerque, New Mexico

Two Transients Severely Beaten

August 1: Donald Vasquez, 39, and Jonny Baca, 35, were attacked by a group of young men, who beat them with a street sign and a rock. Vasquez was found bloodied lying in the street, and Baca also suffered some injuries. Police are searching for three suspects, about 18 to 20 years old.

Milwaukie, Oregon

Three Teenagers Face Charges for Beating a Homeless Man

August 1: A 43-year-old homeless man, Andrew Gonzalez, was beaten in Milwaukie at a boat ramp. Samuel Earl Morton, 19, Shawn Glancy, 16, and Rauno Halmik, 17, were charged with first-degree assault, attempted murder, and unlawful use of a weapon

Police responded to reports of the assault and found Gonzalez the next morning near the Willamette River. Gonzalez was badly beaten and rushed to the hospital with critical injuries to his head and hand. Gonzalez had surgery and was released from the hospital a few days later. Kellie Carter, a homeless woman who camps just a few feet away from Gonzalez, says she heard him screaming for help that night. She reports to KGW News, “He said, ‘Help me, help me, I’m dying.’” Morton, Glancy, and Halmik reportedly used a knife and wooden club to beat Gonzales.

The two minors will be tried as adults and if found guilty, the teenagers face up to seven years in prison.

Omaha, Nebraska

Several Homeless Men Taken to Hospital after Being Attacked By a Group of Teens

August 8: A couple of homeless men in their 50’s were attacked by a group of seven or eight teenagers at 8:30 am. The teens beat the men with blunt objects and a chair. The men were left with lacerations and contusions and were taken to a nearby hospital for care. The only description of the teens is that the majority were white. There is no further information on suspects.

York City, Pennsylvania

Homeless Man Attacked By a Group of Teens

August 8: At around 12:00 pm, David Wright, a 38-year-old homeless man, was fishing near Codorus Creek when he was brutally attacked by three to five boys. Wright reports the teens punched, kicked, and scratched him. He was taken to the hospital and was treated for contusions and may have a broken hand.

Allentown, Pennsylvania

Homeless Man Says He Was Targeted In A Beating Because He Is Homeless

August 11: Timothy Finn, a 49-year-old homeless man, was sleeping at a bus stop on 15th and Allen streets when he was attacked by three men. The men woke Finn up at 3:30 am by shouting and cursing at him and proceeded to hit Finn in the face and head. He was taken to St. Luke's Hospital. Finn told police he believes he was attacked because he is homeless.

Elgin, Illinois

Four Men Beat and Rob Homeless Man

August 12: Four men have been charged with robbery, aggravated battery, and mob action for attacking and robbing a homeless man. The entire incident was caught on a store security camera. One man tried to body slam the victim, while another punched the man and knocked him unconscious to the ground. Once unconscious, the homeless individual was robbed of his wallet. The victim was treated for head injuries and later released from the hospital.

Sparks, Nevada

Two Homeless Men Are Attacked By Group

August 13: Two homeless men reported to the Sparks Police Department that they were attacked by four to six white teenagers with sticks, bats, and a broken tree branch and sprayed with a substance believed to be pepper spray.

Deltona, Florida

A Homeless Man Left in Critical Condition after a Brutal Unprovoked Attack

August 14: Leonel Guerra-Vila, a 50-year-old homeless Cuban immigrant, was found behind a convenience store brutally beaten and having trouble breathing. He was rushed to the hospital in critical condition. Guerra-Vila suffered facial fractures, broken ribs, and a punctured lung. Guerra-Vila described the assailants as two Hispanic men in their 20's or 30's. He reported that he has seen the men before and has had problems with them in the past. Guerra-Vila told police the men pushed him off his bicycle as he tried to get away, and once he was on the ground they punched and kicked him.

Springfield, Massachusetts

Two Locals Attempt to Rob Homeless Man While Armed with Knife

August 21: Two Chestnut Street residents, one age 20, the other age 14, were charged with armed robbery, assault, and battery after assaulting a 63-year-old homeless man. The two grabbed the homeless man's head and demanded money. One of the suspects had a knife. The suspects left upon realizing that the homeless man had no money, and the victim ran to

the bus stop to call the police. Both the subjects were charged with armed robbery, assault, and battery.

SEPTEMBER

Manchester, New Hampshire

Group of Teens Assault Homeless Man

September 8: A homeless man was beaten by a group of young men in their late teens or early 20's. The man, 38, was at his campsite when the teens attacked him, beating and kicking him. He was hospitalized with injuries to the head, face, and back.

Hamilton Township, New Jersey

Beating Leaves Homeless Man with Broken Bones

September 9: Herman Ford, 50, experienced a severe beating at the hands of a group of teenagers. "They hit him in the face with either a branch or a cane," Detective Lt. James Kostopolis told CBS News, "once he hit the ground, they continued to hit him about the face." Ford was left with several broken bones in his face. Police have apprehended at least one suspect, a 16-year-old, who is being held at the Mercer County Detention Center. The teens are suspects in several other area attacks on the homeless, and will face charges on aggravated assault.

St. Petersburg, Florida

Four Homeless Men Attacked

September 13: Three men attacked a homeless man while he was sleeping. After being beaten, he managed to get to a hospital, where police contacted him.

September 15: Another homeless man was assaulted north of Mirror Lake.

Colorado Springs, Colorado

Three Men Arrested for Beating Homeless Man

September 17: Marvin Balcombe, 32, was hospitalized with a broken arm and non-life-threatening head injuries after he was beaten in a park. A group of men confronted and beat him repeatedly with sticks. Police arrested Ronald Renwick, 22, Alan Pitts, 24, and David Morton, 36, as the attackers. The three are facing charges of first-degree assault.

Manchester, New Hampshire

Homeless Man Badly Beaten In Face

September 19: According to homeless activist, Cindy Carlson, a homeless man was accosted while he was trying to go to sleep. Carlson reported that his face was badly bruised

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when she encountered him. The homeless man refused to receive medical treatment and to file a report.

St. Petersburg, Florida

Man's Jaw Broken in Latest Attack on Homeless

September 19: A group of men attacked a homeless man, smashing his face with a brick, and breaking his jaw. They also attempted to steal his wallet.

OCTOBER

Austin, Texas

Homeless Man Suffers Repeated Kicks to the Head

October 17: Michael Charles Smock was repeatedly kicked in the head. He suffered three fractures of the right mandible, one fracture across the chin, and one fracture to his left mandible. Additionally, he ended up with seven steel plates and screws in his jaw.

Smock reportedly was approached by an individual who asked him how many individuals were living with him outside and how long he would be staying in his current location. Two weeks later, the individual approached Smock again telling them to leave. While Smock was gathering his things to leave, the same individual proceeded to kick his head repeatedly. He was taken to a local hospital where he received medical attention.

NOVEMBER

Houston, Texas

Homeless Family of Three Beaten For Fun

November 18: A family of three was awoken from their sleep at John Bute Park by seven armed men. The men attacked the trio, beating them with poles. Sharon Gedovin, Roman Martinez, and son, Michael Gedovin, suffered various injuries. Michael left Ben Taub Hospital with 14 stitches; Martinez left with a broken nose and an eye swollen shut. Since leaving the hospital, the family has run out of medicine. The family reported that the attackers were not looking for money or valuables, but rather some fun from easy targets.

Delray Beach, Florida

Homeless Man Beaten With Baseball Bat

November 27: Homeless man Bobby Joe Klepper, 42, reported to police that he was awoken by a baseball bat to the head and pepper spray to the face early Tuesday morning.

Klepper, who was sleeping in the woods when the attack occurred, reported to the Palm Beach Post that the attacker told him that he “didn’t want to see him around here again.” Klepper was treated at Delray Medical Center for his injuries.

DECEMBER

Oklahoma City, Oklahoma

Homeless Man Beaten, Prosthetic Leg Stolen

December 4: Glen Parker had been drinking and passed out, only to wake up to someone beating him. The unknown attackers kicked and beat Parker, and when they left, they took his prosthetic leg and his cane. Wade McPeak, who has been helping Parker since the attack, told KOCO-TV, “I just wish they [the attackers] would have enough courtesy to give [his leg] back to him because, obviously, he’s the one who needs it, not them.” A new leg would cost several hundreds to thousands of dollars.

Baltimore, Maryland

Juveniles Attack Homeless Women on Public Bus

December 4: Four juveniles were convicted in March of 2008 of first-degree assault in the beating of a homeless woman. Sarah Kreager, 26, was attacked on a Baltimore public transit bus in December 2007. The cases of five other accusers are still under jurisdiction of the Juvenile Court.

Kreager sustained two fractured eye sockets, two lacerations to the head, and bruises as she was hit and kicked according to Assistant State’s Attorney Dawn Jones.

Since the attack, the students have been confined to their homes and kept out of school which has raised objections from attorneys, stating to the Baltimore Sun that, “their clients had no previous involvement in the juvenile justice system, complied with rules and earned top marks while on community detention.”

One of the perpetrators pleaded guilty in juvenile court on charges of second-degree assault and conspiracy to commit first-degree assault. Initially, the attacks were thought to be motivated by race, but such accusations were later dismissed.

Redding, California

Homeless Man Nearly Beaten To Death after Found Rifling through Dumpsters

December 14: Tony Allen Souza, 47, was found battered, bruised, and unresponsive on the ground by local police called to the scene. Souza, a homeless man, was transported to Mercy Medical Center in Redding with physicians reporting injuries of a crushed skull, broken ribs, and collapsed lung. Souza was chased by two assailants, one 24-year-old and another 25-year-old, knocked to the ground, and struck repeatedly over the head with an aluminum

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baseball bat. According to police reports Souza was beaten so badly he was in a coma at the hospital and has now lost his vision.

The assailant being accused of committing the crime, Nathaniel Kem Lloyd, 24, pleaded guilty to charges of attempted murder and assault with a deadly weapon. He faces 10 years in prison. Local homeless advocates believe this man was targeted because he going through the dumpster and appeared to be homeless.

Fort Smith, Arkansas

Gang Preys On Homeless

Late December: Four homeless individuals have been the target of abuse in Fort Smith. The victims have had injuries such as black eyes and broken ribs. The assailants have used a variety of weapons including broomsticks, paint-rollers, and boots. The assailants are believed to be a gang consisting of six teenagers.

CASE DESCRIPTION OF POLICE HARASSMENT/BRUTALITY, NOT INVOLVING DEATH, BY MONTH, DATE, AND CITY IN 2007:

TOTAL ATTACKS: 11

MARCH

Carolina, Puerto Rico

Homeless Man Attacked by State Police

March 5: A homeless man was attacked at Plaza Escorial in Carolina by state police. They attacked him and shaved his head to humiliate him.

JUNE

Los Angeles, California

Scuffle between Homeless Woman and LAPD Leads to Investigation

June 6: The Los Angeles Police Department (LAPD) is looking into an arrest of homeless woman Faith Hernandez, 34, that occurred on June 6th. Hernandez was approached by police for residing in an illegal “cardboard structure.” According to reports from the LAPD, when they approached Hernandez she fled the scene and fought with the four officers who were trying to subdue her.

The police report differs from a report made by witness O.C. Hasson who saw this incident occur from his bathroom window. He reports to LA Times: “They threw her down, she tried to get back up, and they threw her back down. And when she tried to get back up again they started hitting her.” Hasson continued, “They allowed her to get up after that, and let her go almost across the street, as if they knew she couldn’t get away. And then one of the officers took his foot and tripped her on the ground, and they dragged her a little bit, and they were still beating her.”

Unfortunately, none of LA’s public safety cameras caught images that could prove useful in determining whether the officers used excessive force in the detainment of Hernandez.

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JULY

Oklahoma City, Oklahoma

Officer Kicks a Homeless Man in the Face

July 7: Jesse Haney, a homeless man, attacked a man near the City Rescue Mission. While another officer was trying to handcuff Haney while he was on the ground, Sgt. John Blumenthal kicked him in the head and face. Blumenthal, who has been on the force for 8 years, is facing a misdemeanor assault and battery charge for his misconduct.

Several of the officers who witnessed the attack notified their superiors, leading to an internal investigation of the incident.

Bradenton, Florida

Police Allegedly Beat Up and Dumped a Homeless Man Outside the City

July 12: Jose del Angel, a homeless day laborer, reported to a Manatee Sheriff Deputy that he was picked up by two police officers, driven out of the city limits, and beaten up. Del Angel reports the officers, Jeff Cox and Dean Buttitta, told him to stay out of the city. Del Angel reported that the officers put on blue latex gloves and threw him into a ditch after getting out of the car and punching and kicking him.

Once the deputy saw del Angel she called an ambulance and he was taken to a nearby hospital for care. He was bleeding from his mouth and complaining of abdominal pain. According to Sgt. Rod Taylor in the Sarasota Herald Tribune, “Angel’s injuries were consistent with his story.” The deputy also made a report to her supervisor. The Bradenton Police department declared they would conduct an internal investigation; however, no further details or statements have been released. Both Officer Cox and Officer Buttitta remain on duty.

OCTOBER

Albuquerque, New Mexico

Security Guard Attacks Homeless Couple

October: A security guard allegedly beat up a homeless couple, saying they had “copped an attitude” with him. The officer put the man in a headlock, and then grabbed the woman, who was in a wheelchair, and yelled at her. An NBC-affiliate reported that exclamations made by bystanders such as, “Out of control get a cop out here,” were recorded on 911 tapes. The officer is being investigated and will remain on the job, although he will have no contact with the public until the investigation is complete.

Portland, Oregon

Police Officer Loses Job after Molesting Homeless Women

October 26: Officer Matthew Kohnke, 33, has been accused of groping five women within recent months. He has resigned from the force, pleading no contest to official misconduct charges. His sentence includes 24 months of probation and community service.

The most recent account occurred in 2007 between July 3 and July 5. Kohnke served 9 years on the Police Bureau and complaints have been made about him by more than one woman. All of the women lived transient lives and only four of the five were located and contacted to gather further information about the investigation.

One woman said she was living in a homeless camp in Portland when she was molested by Kohnke. She says that Kohnke asked if he could search her for drugs or weapons, and reached down her pants. The victim was not arrested or cited, neither was this incident documented. The exact dates of all incidents are unknown.

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APPENDIX B:



I can't imagine how to stop hate crimes against America's homeless.

I can't imagine how to stop hate crimes against America.

I can't imagine how to stop hate crimes.

I can't imagine how to stop hate.

I can't imagine.

I can't.

I can.

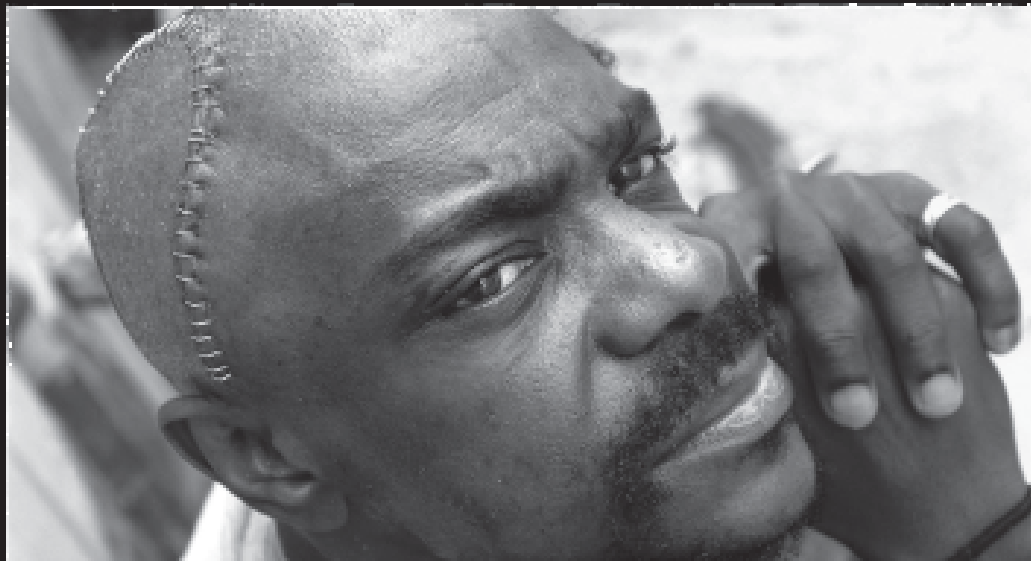
Violent, often fatal attacks on homeless Americans now exceed those of all other categorized hate crimes combined. Join the fight against homelessness. Join the National Coalition for the Homeless. Download or order our latest report on "Hate, Violence, and Death on Main Street USA" at www.nationalhomeless.org. It serves as the voice for people who lost their lives, those who managed to survive, and the countless other victims and casualties that go unreported every year.

 NATIONAL COALITION FOR THE HOMELESS We depend on the kindness of strangers. www.nationalhomeless.org info@nationalhomeless.org 202-462-4822

HATE, VIOLENCE, AND DEATH ON MAIN STREET USA

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IN THE LAST 9 YEARS, 774 HOMELESS MEN, WOMEN
AND CHILDREN HAVE BEEN ATTACKED. 217 HAVE DIED.



Ricky White, 45, Galveston, TX

Photo courtesy of The Galveston County Daily News

Victims ranged from 4 months to 74 years old.
58% of the perpetrators were ages 13-19.

WHAT CAN WE DO? We need to educate lawmakers, advocates, and the general public on the problem of violence against homeless persons. Your support will help the National Coalition for the Homeless take a stand against violence!



Please become a member of NCH by sending in your tax-deductible contribution today!

National Coalition for the Homeless
2201 P Street, NW | Washington, DC 20037-1083 | Ph: 202.462.4822
Email: info@nationalhomeless.org | www.nationalhomeless.org